

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
FOR THE WESTERN DIVISION

\*\*\*\*\*

VIVIAN BERT, et al.

Plaintiffs,

-vs- Case No: 1:02CV00467

AK STEEL CORPORATION,

Defendant.

\*\*\*\*\*

DEPOSITION OF RODNEY COSBY

On the 26th day of November, 2007,  
beginning at approximately 10:00 a.m., at the  
law offices of VanAntwerp, Monge, Jones, Edwards  
& McCann LLP, located at 1544 Winchester Avenue,  
Ashland, Kentucky, before me, Tara A. B. Arthur,  
a Court Reporter and Notary Public within and  
for the Commonwealth of Kentucky, appeared  
RODNEY COSBY, who, being by me first duly sworn,  
gave his oral deposition in the causes pursuant  
to the Notice of Counsel for the respective  
parties as hereinafter set forth. Said  
deposition is being taken for the purpose of  
discovery and for any and all other purposes as  
permitted under the Kentucky Rules of Civil  
Procedure.

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<p style="text-align: right;"><b>Page 2</b></p> <p>1 APPEARANCES:  2 On behalf of the Plaintiffs:  3 SUSAN DONAHUE, ESQ.  WIGGINS, CHILDS, QUINN &amp; PANTAZIS, PLLC  4 THE KRESS BUILDING  301 19TH STREET, NORTH  5 BIRMINGHAM, ALABAMA 35203  (205) 314-0592  6  On behalf of the Defendant:  7  PATRICIA ANDERSON PRYOR, ESQ.  8 TAFT, STETTINIUS &amp; HOLLISTER, LLP  425 WALNUT STREET, SUITE 1800  9 CINCINNATI, OHIO 45202-3957  (513) 381-2838  10  STEPHANIE BISSELBERG, ESQ.  11 LABOR COUNSEL, AK STEEL CORP.  9227 CENTRE POINTE DRIVE  12 WEST CHESTER, OHIO 45069  (513) 425-2318  13  ALSO PRESENT: SUSAN LESTER, HR  14 AK STEEL CORP.  15  16  17  18  19  20  21  22  23  24</p>	<p style="text-align: right;"><b>Page 4</b></p> <p>1 RODNEY COSBY, called as a witness in the  2 aforementioned matter, was sworn according to  3 law, was examined and testified as follows:  4 * * * * *  5 EXAMINATION  6 BY MS. PRYOR:  7 Q. Mr. Cosby, my name is Pat Pryor. I  8 represent AK Steel in the lawsuit that you have  9 been asked to come to give a deposition in  10 today. Have you ever testified before?  11 <b>A. Have I ever testified before?</b>  12 Q. Yeah. Have you ever testified under  13 oath before?  14 <b>A. Yeah.</b>  15 Q. When was that?  16 <b>A. Probably '96.</b>  17 Q. What was that for?  18 <b>A. That was a lawsuit.</b>  19 Q. What was the lawsuit?  20 <b>A. Rodney Cosby and others versus the</b>  21 <b>Plumbers and Steamfitters.</b>  22 Q. Excuse me?  23 <b>A. Rodney Cosby and others versus</b>  24 <b>Plumbers and Steamfitters Local 248.</b></p>
<p style="text-align: right;"><b>Page 3</b></p> <p>1 I N D E X  2 EXAMINATION OF THE WITNESS:  3 RODNEY COSBY  4  5 EXAMINATION BY MS. PRYOR PAGES 4, 118  6 EXAMINATION BY MS. DONAHUE PAGE 116  7  8 EXHIBITS:  9 NO. 1, SUBPOENA PAGE 9  10 NO. 2, WORK RECORD PAGE 14  11 (Exhibits not provided)  12  13  14  15  16  17  18  19 Reporter's Certificate: Page 123  20 Errata Sheet: Attached  21 Signature Page: Attached  22 Read and Sign Letter: Attached  23  24</p>	<p style="text-align: right;"><b>Page 5</b></p> <p>1 Q. Where was that lawsuit filed at?  2 <b>A. Louisville, Kentucky.</b>  3 Q. Louisville, Kentucky?  4 <b>A. Yeah.</b>  5 Q. How many others were there with you in  6 that lawsuit?  7 <b>A. One.</b>  8 Q. Who was that?  9 <b>A. Brooks Jackson.</b>  10 Q. What was the lawsuit alleging?  11 <b>A. Discrimination.</b>  12 Q. What kind of discrimination?  13 <b>A. Racial.</b>  14 Q. Was this filed against the union?  15 <b>A. Uh-huh.</b>  16 Q. What was the result of that lawsuit?  17 <b>A. A settlement.</b>  18 Q. Settlement?  19 <b>A. Uh-huh.</b>  20 Q. And are you at liberty to tell what  21 the amount of that settlement was?  22 <b>A. No, I can't tell you that.</b>  23 Q. What did you allege they did that was  24 discriminatory?</p>

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1 **A. What did I do or what did they do?**  
2 Q. What did you allege that they had done  
3 that was discriminatory?  
4 **A. Well, they kept us out of promotional**  
5 **jobs, like foremen's union steward, general**  
6 **foremen, bad work conditions, inferior to us,**  
7 **bad jobs, early layoffs, people going around the**  
8 **list on us, sending out employees in front of us**  
9 **that wasn't supposed to be. Defamation, rumors**  
10 **on the job. Just regular things that if you are**  
11 **black, you would know.**  
12 Q. I'm sorry?  
13 **A. Just the regular stuff if you was**  
14 **black, you would know. Just discrimination.**  
15 Q. And did you work for the union or --  
16 **A. Uh-huh.**  
17 Q. When did you work for them?  
18 **A. I'm still a member, from '76 to**  
19 **current.**  
20 Q. Have you ever testified any other  
21 time?  
22 **A. Maybe in insurance -- let's see. What**  
23 **was that meeting? It was something to do with**  
24 **the insurance. They cancelled my insurance. I**

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1 **went to a hearing there. I believe I was under**  
2 **oath there.**  
3 Q. When was that?  
4 **A. Shoo, that might have been '98,**  
5 **somewhere around about that area.**  
6 Q. And they cancelled your auto  
7 insurance, your health insurance?  
8 **A. Auto insurance illegally.**  
9 Q. Who did that?  
10 **A. Grange.**  
11 Q. Why do you say they illegally  
12 cancelled it?  
13 **A. Well, I got it back after the hearing.**  
14 Q. Where was that hearing?  
15 **A. In Frankfort.**  
16 Q. And who was the hearing before? Was  
17 it before a Court or the insurance company for  
18 internal procedures?  
19 **A. There was a watchdog that watched**  
20 **insurance companies in Kentucky. The Department**  
21 **of Insurance, I believe, or Department of**  
22 **something.**  
23 Q. Just some sort of internal Kentucky  
24 agency?

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1 **A. Yeah. Yeah.**  
2 Q. Okay. Any other time you have  
3 testified under oath?  
4 **A. I don't think so.**  
5 Q. Okay. I'm just going to give you a  
6 refresher on it. It's important to speak up a  
7 little bit. You're a little hard to hear.  
8 **A. Okay.**  
9 Q. The court reporter is going to take  
10 down everything you say. If you need to take a  
11 break at any time, we can do that. If you don't  
12 hear one of my questions, please ask me to  
13 repeat it. If you don't understand one of my  
14 questions, please tell me you don't understand  
15 or ask me to rephrase. No nodding, shaking of  
16 the head. The court reporter has a hard time  
17 taking that down --  
18 **A. Oh, yes and no.**  
19 Q. (Continuing) -- the nods. So, yes and  
20 no.  
21 **A. Okay.**  
22 Q. Could you state your full name for the  
23 record?  
24 **A. Rodney Neal Cosby.**

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1 Q. And do you have any medical condition  
2 or other problem that would prevent you from  
3 testifying today?  
4 **A. No.**  
5 Q. Are you on any alcohol, drugs,  
6 medication today?  
7 **A. No. Just caffeine.**  
8 Q. And you are here pursuant to a  
9 subpoena today?  
10 **A. Huh?**  
11 Q. You are here pursuant to a subpoena?  
12 **A. Yeah.**  
13 **EXHIBIT NO. 1**  
14 **(Exhibit No. 1, subpoena, was**  
15 **marked for identification.)**  
16 Q. I have given you what's been marked as  
17 Exhibit 1. Is this a copy of the subpoena that  
18 you received?  
19 **A. Okay.**  
20 Q. Yes?  
21 **A. Yes.**  
22 Q. Okay. And part of the subpoena asked  
23 you to bring along some documents in Attachment  
24 A?

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<p>1     <b>A. Uh-huh.</b></p> <p>2     Q. Yes?</p> <p>3     <b>A. Yes. Yeah. I'm sorry.</b></p> <p>4     Q. And Ms. Donahue has given me some</p> <p>5 documents that she has represented are from you.</p> <p>6 Those include the minutes of your civil rights</p> <p>7 committee meetings?</p> <p>8     <b>A. Yes.</b></p> <p>9     Q. Some resumes and applications?</p> <p>10    <b>A. Yes.</b></p> <p>11    Q. And it looks like I have got flyers</p> <p>12 about some job fairs?</p> <p>13    <b>A. Yes.</b></p> <p>14    Q. Is there anything else that you have</p> <p>15 that is responsive to Attachment A of the</p> <p>16 subpoena?</p> <p>17    <b>A. I believe that's it.</b></p> <p>18    Q. Okay. And just so the record is</p> <p>19 clear, are you represented by Ms. Donahue today?</p> <p>20    <b>A. Yes.</b></p> <p>21    Q. Okay. And it's my understanding from</p> <p>22 discussions with Ms. Donahue a couple weeks ago</p> <p>23 that she did not represent you two weeks ago.</p> <p>24 So, when did you obtain representation by Ms.</p>	<p>1    <b>Oliphant, I believe it was on his when I seen it</b></p> <p>2 <b>also.</b></p> <p>3    Q. Anything else you know about the</p> <p>4 lawsuit?</p> <p>5    <b>A. Well, I read it.</b></p> <p>6    Q. You read the compliant --</p> <p>7    <b>A. Yeah.</b></p> <p>8    Q. (Continuing) -- that was filed?</p> <p>9    <b>A. Yeah.</b></p> <p>10   Q. When did you read that?</p> <p>11   <b>A. Back when it was -- maybe a week or so</b></p> <p>12 <b>after it was filed, I guess. It was back in '02</b></p> <p>13 <b>or '01 or whenever.</b></p> <p>14   Q. How did you obtain a copy of that?</p> <p>15   <b>A. Either I got it from the union hall or</b></p> <p>16 <b>-- I can't recall. Or maybe Kay Jackson gave it</b></p> <p>17 <b>to me. I don't know exactly.</b></p> <p>18   Q. And Kay Jackson, that is Brooks</p> <p>19 Jackson's ex-wife?</p> <p>20   <b>A. Yeah.</b></p> <p>21   Q. Anything else you know about the</p> <p>22 lawsuit?</p> <p>23   <b>A. No, that's about it. Just what I</b></p> <p>24 <b>read.</b></p>
Page 11	Page 13
<p>1 Donahue? Just within the last two weeks some</p> <p>2 time?</p> <p>3    <b>A. Yeah, within the last week or so.</b></p> <p>4    Q. Okay. Can you state your address for</p> <p>5 the record?</p> <p>6    <b>A. 1202 Winifred Street, Greenup,</b></p> <p>7 <b>Kentucky.</b></p> <p>8    Q. And what's your educational</p> <p>9 background?</p> <p>10   <b>A. Just high school education.</b></p> <p>11   Q. When did you graduate high school?</p> <p>12   <b>A. 1973.</b></p> <p>13   Q. You have been identified in this</p> <p>14 lawsuit, Vivian Bert, et al. V. AK Steel as a</p> <p>15 witness by the plaintiffs. What do you know</p> <p>16 about the lawsuit?</p> <p>17   <b>A. Well, the only thing I knew about it,</b></p> <p>18 <b>when the lawsuit came in I know my name was in</b></p> <p>19 <b>it -- is on that. Someone complained, I</b></p> <p>20 <b>believe, after a job fair. They said I was an</b></p> <p>21 <b>AK representative.</b></p> <p>22   Q. Okay. Do you know who that was that</p> <p>23 complained that you were an AK representative?</p> <p>24   <b>A. Well, I guess I was. But Tim</b></p>	<p>1    Q. Okay. When did you start working at</p> <p>2 AK Steel?</p> <p>3    <b>A. September of 1988.</b></p> <p>4    Q. 1988?</p> <p>5    <b>A. Yes.</b></p> <p>6    Q. What's your position there?</p> <p>7    <b>A. Steampower and maintenance.</b></p> <p>8    Q. How long have you held that position?</p> <p>9    <b>A. Five, five and a half years.</b></p> <p>10   Q. What position did you hold before</p> <p>11 that?</p> <p>12   <b>A. Steampower water treater.</b></p> <p>13   Q. How long did you hold that position,</p> <p>14 roughly?</p> <p>15   <b>A. One year.</b></p> <p>16   Q. And before that?</p> <p>17   <b>A. Pipefitter from the Pipe Shop.</b></p> <p>18 <b>Pipefitter.</b></p> <p>19   Q. How long did you hold that position?</p> <p>20   <b>A. Nine years.</b></p> <p>21   Q. And did you hold any position before</p> <p>22 that?</p> <p>23   <b>A. Yeah, janitor. Laborer and janitor.</b></p> <p>24   Q. And how long did you hold that?</p>

<p style="text-align: right;">Page 14</p> <p>1     <b>A. Three and a half years.</b></p> <p>2     Q. My math is not very good. Does that</p> <p>3 cover your employment?</p> <p>4     <b>A. Yeah, that covers back to '88.</b></p> <p>5     Q. Okay. Were these promotions to the</p> <p>6 different jobs or how did you get the --</p> <p>7     <b>A. Bids.</b></p> <p>8     Q. Bids?</p> <p>9     <b>A. Uh-huh.</b></p> <p>10    Q. And you get based on seniority?</p> <p>11    <b>A. Yeah.</b></p> <p>12           <b>EXHIBIT NO. 2</b></p> <p>13           <b>(Exhibit No. 2, work record, was</b></p> <p>14 <b>marked for identification.)</b></p> <p>15    Q. You have been handed what's been</p> <p>16 marked as Exhibit 2. Do you recognize</p> <p>17 Exhibit 2?</p> <p>18    <b>A. Yeah, let me look at it. It looks</b></p> <p>19 <b>like a work record.</b></p> <p>20           MS. DONAHUE: Look at the whole</p> <p>21 thing before you answer.</p> <p>22           THE WITNESS: That looks like a</p> <p>23 work record from '94 to 2007 of February.</p> <p>24    Q. Okay. Your work record at AK Steel?</p>	<p style="text-align: right;">Page 16</p> <p>1     Q. Is that the only time you have</p> <p>2 received discipline?</p> <p>3     <b>A. Yes.</b></p> <p>4     Q. And you filed a grievance with the</p> <p>5 union?</p> <p>6     <b>A. Yeah.</b></p> <p>7     Q. Is it currently pending?</p> <p>8     <b>A. Uh-huh.</b></p> <p>9     Q. You received a one-day suspension for</p> <p>10 that?</p> <p>11    <b>A. Yeah.</b></p> <p>12    Q. I assume you are a member of the</p> <p>13 union?</p> <p>14    <b>A. Yes.</b></p> <p>15    Q. Do you hold any position with the</p> <p>16 union?</p> <p>17    <b>A. Just civil rights chairman.</b></p> <p>18    Q. What is that?</p> <p>19    <b>A. I don't know how you explain that.</b></p> <p>20 <b>Well, we keep an eye on civil rights for the</b></p> <p>21 <b>employees and perfect, you know, the people who</b></p> <p>22 <b>are getting ready to hire in.</b></p> <p>23    Q. I guess, what do you do on the</p> <p>24 committee?</p>
<p style="text-align: right;">Page 15</p> <p>1     <b>A. Yeah, that's what it looks like.</b></p> <p>2     Q. Okay. Am I correct that you have not</p> <p>3 received discipline at AK Steel?</p> <p>4     <b>A. What was that?</b></p> <p>5     Q. Have you received any discipline at AK</p> <p>6 Steel?</p> <p>7     <b>A. Discipline?</b></p> <p>8     Q. Yes.</p> <p>9     <b>A. Now, what do you mean there, like --</b></p> <p>10    Q. Warnings, suspensions.</p> <p>11    <b>A. Well, yeah, I have got warnings, I'm</b></p> <p>12 <b>sure, yeah.</b></p> <p>13    Q. Do you remember any warnings?</p> <p>14    <b>A. Yeah. Yeah, I got one day off one</b></p> <p>15 <b>time.</b></p> <p>16    Q. Okay. What was that for?</p> <p>17    <b>A. Well, alleged I didn't take care of a</b></p> <p>18 <b>fire extinguisher. But that's a whole different</b></p> <p>19 <b>story. So, we will just leave it at that.</b></p> <p>20    Q. When was that?</p> <p>21    <b>A. It's under grievance. It was probably</b></p> <p>22 <b>March of '07.</b></p> <p>23    Q. Of this year?</p> <p>24    <b>A. Yeah.</b></p>	<p style="text-align: right;">Page 17</p> <p>1     <b>A. Oh, what do I do?</b></p> <p>2     Q. Yeah.</p> <p>3     <b>A. Well, I look at civil rights</b></p> <p>4 <b>complaints. And also, we try to -- if we see</b></p> <p>5 <b>anything, we try to stop any problem from</b></p> <p>6 <b>getting and making it any worse by letting the</b></p> <p>7 <b>union know or the company know.</b></p> <p>8     Q. And that committee, is that a joint</p> <p>9 union and --</p> <p>10    <b>A. Yes.</b></p> <p>11    Q. (Continuing) -- employer committee?</p> <p>12    <b>A. Yeah.</b></p> <p>13    Q. And if there were complaints, would</p> <p>14 those be reflected in the civil rights minutes</p> <p>15 you have given me?</p> <p>16    <b>A. Yes.</b></p> <p>17    Q. So, if someone came to you with a</p> <p>18 complaint, you would bring it to the committee</p> <p>19 and it would show up in these minutes?</p> <p>20    <b>A. Well, if it's a legitimate complaint.</b></p> <p>21    Q. Okay. Sometimes you get complaints --</p> <p>22    <b>A. Oh, yeah.</b></p> <p>23    Q. (Continuing) -- that you know</p> <p>24 aren't --</p>

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<p>1     <b>A. Yeah.</b></p> <p>2     Q. And how long have you held that</p> <p>3 position?</p> <p>4     <b>A. Since 2001.</b></p> <p>5     Q. Is it my understanding you also, as</p> <p>6 part of that role, provide training for the new</p> <p>7 hires?</p> <p>8     <b>A. Yes.</b></p> <p>9     Q. What kind of training do you provide?</p> <p>10    <b>A. Harassments and also civil rights and</b></p> <p>11 <b>diversity.</b></p> <p>12    Q. I assume that as a member of the</p> <p>13 committee, you have seen AK Steel's</p> <p>14 Discrimination and Anti-Harassment Policy?</p> <p>15    <b>A. Yes, I seen it.</b></p> <p>16    Q. You are aware of its contents?</p> <p>17    <b>A. Pretty much so.</b></p> <p>18    Q. Did you ever take the AK Steel</p> <p>19 employment test that is challenged in this</p> <p>20 lawsuit?</p> <p>21    <b>A. No.</b></p> <p>22    Q. Have you ever been present when that</p> <p>23 test was given?</p> <p>24    <b>A. Yes.</b></p>	<p>1     Q. Was everyone given the same group</p> <p>2 instructions?</p> <p>3     <b>A. Yeah.</b></p> <p>4     Q. Verbal instructions?</p> <p>5     <b>A. Yeah.</b></p> <p>6     Q. The people that were taking the test,</p> <p>7 were they white and black?</p> <p>8     <b>A. Yeah.</b></p> <p>9     Q. Was anyone given any different</p> <p>10 instructions or different treatments during the</p> <p>11 testing?</p> <p>12    <b>A. At the test, no.</b></p> <p>13    Q. Okay. Have you ever seen the actual</p> <p>14 test?</p> <p>15    <b>A. Well, the papers that I passed out,</b></p> <p>16 <b>yeah, I have seen the actual test.</b></p> <p>17    Q. Did you look through it?</p> <p>18    <b>A. Well, yeah. Yeah.</b></p> <p>19    Q. Do you know what kind of things were</p> <p>20 tested?</p> <p>21           MS. DONAHUE: Object to the</p> <p>22 form. That's vague. But go ahead and answer.</p> <p>23    Q. Do you know what kinds of things were</p> <p>24 tested on the test?</p>
Page 19	Page 21
<p>1     Q. Okay. When was that?</p> <p>2     <b>A. I can't recall. Either 2005 or 2006.</b></p> <p>3     Q. Have you been present more than once?</p> <p>4     <b>A. I can't recall.</b></p> <p>5     Q. Why were you present?</p> <p>6     <b>A. Huh?</b></p> <p>7     Q. Why were you present when the test was</p> <p>8 given?</p> <p>9     <b>A. Well, usually, she has -- sometimes</b></p> <p>10 <b>when there is a big group, she'll have -- Susan</b></p> <p>11 <b>will have a couple of people to help pass out</b></p> <p>12 <b>papers and things like that.</b></p> <p>13    Q. You said "Susan." Are you referring</p> <p>14 to Susan Lester?</p> <p>15    <b>A. Yeah.</b></p> <p>16    Q. So, were you one of these people that</p> <p>17 helped pass out papers?</p> <p>18    <b>A. Yeah.</b></p> <p>19    Q. What was the process for the test,</p> <p>20 that you recall?</p> <p>21    <b>A. I don't know exactly what you mean.</b></p> <p>22    Q. Sure. How was the test given? Was it</p> <p>23 timed?</p> <p>24    <b>A. Yeah.</b></p>	<p>1     <b>A. What kinds of things?</b></p> <p>2     Q. What kinds of questions they asked.</p> <p>3     <b>A. No, I can't recall all of the</b></p> <p>4 <b>questions.</b></p> <p>5     Q. Do you have a copy of the test?</p> <p>6     <b>A. No.</b></p> <p>7     Q. Have you ever given Allen Roberts a</p> <p>8 copy of sample questions from the test?</p> <p>9     <b>A. Well, I had samples. I have copies of</b></p> <p>10 <b>the sample copies of tests, but I don't have the</b></p> <p>11 <b>test.</b></p> <p>12    Q. Where are the copies of the samples?</p> <p>13    <b>A. Huh?</b></p> <p>14    Q. Where are the copies of the samples of</p> <p>15 the test?</p> <p>16    <b>A. Well, I gave them to people who were</b></p> <p>17 <b>going to possibly be employees. I hand them</b></p> <p>18 <b>out.</b></p> <p>19    Q. You handed them out to applicants?</p> <p>20    <b>A. Yeah.</b></p> <p>21    Q. Where did you get the samples?</p> <p>22    <b>A. I got them from Susan Lester.</b></p> <p>23    Q. Did she instruct you to hand them out</p> <p>24 to applicants?</p>



<p style="text-align: right;">Page 22</p> <p>1     <b>A. Well, yeah.</b></p> <p>2     Q. Okay. These were African-Americans</p> <p>3     that you handed them out to?</p> <p>4     <b>A. And other people also.</b></p> <p>5     Q. What other people did you hand them</p> <p>6     out to?</p> <p>7     <b>A. Parcasions (sic).</b></p> <p>8     Q. How many Parcasions (sic) did you hand</p> <p>9     them out to?</p> <p>10    <b>A. I can't recall.</b></p> <p>11    Q. Do you know how many pages the samples</p> <p>12    were?</p> <p>13    <b>A. Maybe six pages. I don't know for</b></p> <p>14    <b>sure.</b></p> <p>15    Q. When did you start doing that, handing</p> <p>16    out samples?</p> <p>17    <b>A. I can't recall.</b></p> <p>18    Q. Has it been just this year or has it</p> <p>19    been several years ago?</p> <p>20    <b>A. No.</b></p> <p>21    Q. Did you ask for samples from Susan?</p> <p>22    <b>A. I can't recall how we came about with</b></p> <p>23    <b>them.</b></p> <p>24    Q. What was the purpose of handing them</p>	<p style="text-align: right;">Page 24</p> <p>1     <b>you know, some people I just talked on the phone</b></p> <p>2     <b>and maybe they may just e-mail a resume. I</b></p> <p>3     <b>didn't e-mail, you know, the sample test or</b></p> <p>4     <b>nothing like that, so. No, I didn't give them</b></p> <p>5     <b>to everybody.</b></p> <p>6     Q. So, how would you decide when you were</p> <p>7     going to give them?</p> <p>8     <b>A. Huh?</b></p> <p>9     Q. How would you decide who to give it</p> <p>10    to?</p> <p>11    <b>A. Well, I wouldn't have them all of the</b></p> <p>12    <b>time, I would just have them every now and then.</b></p> <p>13    <b>So, you know, if they were there and I was</b></p> <p>14    <b>available -- see, sometimes I work up to 104</b></p> <p>15    <b>hours a week, so I really don't have time to,</b></p> <p>16    <b>you know, take care of everybody in that way.</b></p> <p>17    Q. Okay. Would people ask you for the</p> <p>18    samples? I mean, do they know that you're --</p> <p>19    <b>A. Well, somebody who knew that someone</b></p> <p>20    <b>else has got one, you know, somebody's sister or</b></p> <p>21    <b>somebody's brother, yeah, they would ask.</b></p> <p>22    Q. Okay.</p> <p>23           MS. DONAHUE: Wait until she</p> <p>24    finishes her question before you answer.</p>
<p style="text-align: right;">Page 23</p> <p>1     out to applicants?</p> <p>2     <b>A. Well, I think some people have failed</b></p> <p>3     <b>the test and maybe their year passed and they</b></p> <p>4     <b>was coming in again. And I mean, or even</b></p> <p>5     <b>somebody who hadn't took the test, it just gives</b></p> <p>6     <b>you an idea of what the test is like.</b></p> <p>7     Q. Just to try to help the applicants</p> <p>8     pass it?</p> <p>9     <b>A. Yeah, just what it's -- you know, just</b></p> <p>10    <b>what you -- there is going to be some math and</b></p> <p>11    <b>there is going to be what they used to call</b></p> <p>12    <b>personal relations. I don't know what they call</b></p> <p>13    <b>them now. Where you fold the boxes and all of</b></p> <p>14    <b>that, different things like that, just to give</b></p> <p>15    <b>you an idea of what it's going to be like.</b></p> <p>16    Q. Okay. Did you hand these out to every</p> <p>17    applicant --</p> <p>18    <b>A. No.</b></p> <p>19    Q. (Continuing) -- that you had contact</p> <p>20    with?</p> <p>21    <b>A. No.</b></p> <p>22    Q. So, how would you select who to hand</p> <p>23    them out to?</p> <p>24    <b>A. Well, some of them, I couldn't even --</b></p>	<p style="text-align: right;">Page 25</p> <p>1           THE WITNESS: Oh, okay.</p> <p>2           MS. DONAHUE: Because you're</p> <p>3     kind of talking over each other, and it's really</p> <p>4     hard for her to take it all down.</p> <p>5     Q. Do you still have the sample, those</p> <p>6     samples?</p> <p>7     <b>A. No.</b></p> <p>8     Q. You don't?</p> <p>9     <b>A. No.</b></p> <p>10    Q. When did you last have them?</p> <p>11    <b>A. Well, probably --</b></p> <p>12           MS. DONAHUE: Just a second.</p> <p>13    Don't guess. If you know, tell her what you</p> <p>14    know. If you have a good estimate, you can give</p> <p>15    a good estimate, but don't just speculate or</p> <p>16    guess.</p> <p>17           THE WITNESS: I estimate it</p> <p>18    would be last year.</p> <p>19    Q. Last year?</p> <p>20    <b>A. (Witness nods head.)</b></p> <p>21    Q. Why don't you have copies anymore?</p> <p>22    <b>A. We are not doing any hiring right now</b></p> <p>23    <b>and I haven't asked her for any.</b></p> <p>24    Q. Have you ever seen the test results?</p>

<p style="text-align: right;">Page 26</p> <p>1 <b>A. Not a complete test result, no.</b></p> <p>2 Q. Have you seen a partial test result?</p> <p>3 <b>A. No.</b></p> <p>4 Q. Okay. Have you seen anything</p> <p>5 connected with the test results?</p> <p>6 <b>A. I just seen people said they didn't</b></p> <p>7 <b>qualify or they did.</b></p> <p>8 Q. So, you have heard from people that</p> <p>9 they either qualified or didn't qualify?</p> <p>10 <b>A. Yeah, from them, yeah.</b></p> <p>11 Q. Do you have any knowledge about how</p> <p>12 the test is scored?</p> <p>13 <b>A. No.</b></p> <p>14 Q. Other than the lawsuit that you</p> <p>15 testified about earlier, have you filed any</p> <p>16 other charges of discrimination against anyone?</p> <p>17 <b>A. No.</b></p> <p>18 Q. Were you ever involved in another</p> <p>19 class action lawsuit?</p> <p>20 <b>A. Yeah.</b></p> <p>21 Q. What was that about?</p> <p>22 <b>A. CSX.</b></p> <p>23 Q. What about them?</p> <p>24 <b>A. It was discrimination.</b></p>	<p style="text-align: right;">Page 28</p> <p>1 the class, named in the class?</p> <p>2 Q. Yes. Were you named in the class?</p> <p>3 <b>A. Now, I don't know exactly what that</b></p> <p>4 <b>means.</b></p> <p>5 Q. Okay. How did you find out about the</p> <p>6 lawsuit?</p> <p>7 <b>A. How did I find out?</b></p> <p>8 Q. Uh-huh.</p> <p>9 <b>A. I just got papers in the mail.</b></p> <p>10 Q. Okay. And the papers -- what did the</p> <p>11 papers in the mail tell you?</p> <p>12 <b>A. I can't remember -- I mean, I can't</b></p> <p>13 <b>remember what all it said, but I mean I just</b></p> <p>14 <b>filled some papers out. I guess they asked</b></p> <p>15 <b>about going on at that time, what was going on</b></p> <p>16 <b>at CSX where I worked at.</b></p> <p>17 Q. When did you work at CSX?</p> <p>18 <b>A. From -- let's see, I worked there a</b></p> <p>19 <b>little bit from '81 to '82. Then I -- I don't</b></p> <p>20 <b>recall. I went back for a little while in the</b></p> <p>21 <b>'90s. I don't know exactly when that was.</b></p> <p>22 Q. What happened with that lawsuit?</p> <p>23 <b>A. Well, it was -- there was a</b></p> <p>24 <b>settlement.</b></p>
<p style="text-align: right;">Page 27</p> <p>1 Q. It was a discrimination class action</p> <p>2 against CSX?</p> <p>3 <b>A. Yes. Yes.</b></p> <p>4 Q. Were you a plaintiff?</p> <p>5 <b>A. I don't -- no, I wasn't -- I testified</b></p> <p>6 <b>as in the class, I guess that's what I would</b></p> <p>7 <b>have been.</b></p> <p>8 Q. Were you one of the named individuals</p> <p>9 in the class?</p> <p>10 MS. DONAHUE: Objection insofar</p> <p>11 as it calls for a legal conclusion. Answer, as</p> <p>12 far as you know.</p> <p>13 THE WITNESS: As far as I know,</p> <p>14 I guess.</p> <p>15 Q. You were?</p> <p>16 <b>A. Yeah.</b></p> <p>17 MS. DONAHUE: I don't think</p> <p>18 that's correct. But it's a legal question. I</p> <p>19 don't think -- I don't think you know. Do you</p> <p>20 know? If you know --</p> <p>21 THE WITNESS: If I know what?</p> <p>22 MS. DONAHUE: Well, listen to</p> <p>23 her question.</p> <p>24 THE WITNESS: Okay. Was I in</p>	<p style="text-align: right;">Page 29</p> <p>1 Q. Who were the attorneys in that</p> <p>2 lawsuit?</p> <p>3 <b>A. I don't recall.</b></p> <p>4 Q. Where was the lawsuit filed, do you</p> <p>5 know?</p> <p>6 <b>A. Birmingham.</b></p> <p>7 Q. Do you know whether the Wiggins,</p> <p>8 Childs firm was involved?</p> <p>9 <b>A. Huh?</b></p> <p>10 Q. Do you know whether the Wiggins,</p> <p>11 Childs firm was involved in that lawsuit?</p> <p>12 <b>A. No, I don't know. I would have to dig</b></p> <p>13 <b>up papers and see that kind of thing.</b></p> <p>14 Q. And you did not initiate that</p> <p>15 lawsuit --</p> <p>16 <b>A. No.</b></p> <p>17 Q. (Continuing) -- is that correct? Any</p> <p>18 other involvement you have had in class action</p> <p>19 litigation?</p> <p>20 <b>A. No.</b></p> <p>21 Q. Were you ever involved in a products</p> <p>22 liability class action lawsuit?</p> <p>23 <b>A. Now, what is that?</b></p> <p>24 Q. Like when you claim that a product is</p>



<p style="text-align: right;">Page 30</p> <p>1 faulty and causes damage.  2 <b>A. No.</b>  3 Q. Okay. What do you know about the  4 hiring process at AK Steel?  5 <b>A. Well, all I know is just I mean you</b>  6 <b>apply and you take a test and then you have an</b>  7 <b>interview and then you go through a physical.</b>  8 <b>And hopefully, if you get through all of them,</b>  9 <b>if there is an opening, there is a possibility</b>  10 <b>you could be called to work.</b>  11 Q. And do you know -- when you just told  12 me that process, is that the process at Ashland?  13 <b>A. Yeah.</b>  14 Q. As you understand it?  15 <b>A. Yeah.</b>  16 Q. Do you know anything about the hiring  17 process at AK Steel's Middletown Works?  18 <b>A. No.</b>  19 Q. Do you know anything about who has or  20 has not been hired at AK Steel's Middletown  21 Works?  22 <b>A. No.</b>  23 Q. Do you know how many have applied at  24 Middletown Works?</p>	<p style="text-align: right;">Page 32</p> <p>1 <b>A. No, I don't know of.</b>  2 Q. Have you ever been convicted of crime?  3 <b>A. No.</b>  4 Q. Okay. Did you ever tell any applicant  5 to conceal their criminal record?  6 <b>A. No.</b>  7 Q. Am I correct that you do not have any  8 decision-making authority when it comes to  9 hiring?  10 <b>A. No.</b>  11 Q. It's my understanding that you would  12 help Susan Lester find African-American  13 applicants?  14 <b>A. Yes.</b>  15 Q. How long have you been doing that?  16 <b>A. Somewhere in about 2000 to -- '99 or</b>  17 <b>2000. 1999.</b>  18 Q. Until the present time or --  19 <b>A. Yeah. I mean, that's just an</b>  20 <b>estimate, 1999.</b>  21 Q. Where do you find African-American  22 applicants?  23 <b>A. Well, usually they're in the Tri-State</b>  24 <b>area.</b></p>
<p style="text-align: right;">Page 31</p> <p>1 <b>A. No.</b>  2 Q. Do you know anything about Middletown  3 Works' hiring requirements?  4 <b>A. No.</b>  5 Q. Are you involved in the hiring process  6 at Ashland?  7 <b>A. No.</b>  8 Q. Do you know what qualifications AK  9 Steel is looking for at Ashland?  10 <b>A. Well, I have an idea.</b>  11 Q. What's your idea?  12 <b>A. Well, you know, if they need</b>  13 <b>maintenance people. You see, I am a maintenance</b>  14 <b>man myself, so I know maintenance people.</b>  15 Q. Do you know anything else about the  16 qualifications they might be looking for?  17 <b>A. Well, they look for different</b>  18 <b>qualifications at different times. Sometimes</b>  19 <b>they look for people to operate the locomotives</b>  20 <b>or cranes or operators.</b>  21 Q. Do you know whether AK Steel hires  22 anyone that has a criminal record?  23 <b>A. Do I know of?</b>  24 Q. Yes.</p>	<p style="text-align: right;">Page 33</p> <p>1 Q. Meaning West Virginia, Kentucky, Ohio?  2 <b>A. Yes.</b>  3 Q. Were these people that you knew?  4 <b>A. No.</b>  5 Q. How did you find them?  6 <b>A. Well, I go to the communities.</b>  7 Q. And do what?  8 <b>A. Well, just talk to people.</b>  9 Q. What would you tell them?  10 <b>A. Well, it usually just depends on.</b>  11 <b>Sometimes I'll talk to maybe the NAACP president</b>  12 <b>or preacher, or sometimes go to the projects or</b>  13 <b>wherever it is myself and just talk to some</b>  14 <b>people there.</b>  15 Q. What are "the projects"?  16 <b>A. Huh? Them are apartments.</b>  17 Q. What would you tell people?  18 <b>A. Well, I would tell them AK Steel is</b>  19 <b>going to have openings for jobs and if they</b>  20 <b>would be interested.</b>  21 Q. Did you look for qualified applicants  22 or did you just look for anybody?  23 <b>A. Well, I looked for qualified</b>  24 <b>applicants. I mean, sometimes if you are coming</b></p>

<p style="text-align: right;">Page 34</p> <p>1 for an operator, you know, if you have a good  2 record, are you working somewhere, you could  3 probably be trained to be an operator.  4 Q. Would people give you resumes to take  5 to AK?  6 A. Yeah, I would ask for a resume.  7 Q. Okay. And would you pass those on to  8 Susan Lester?  9 A. Yes.  10 Q. And Susan Lester then would call those  11 people in for a test?  12 A. Right. If she feels that they are  13 qualified and everything, yeah.  14 Q. Are you aware of anyone that you  15 referred that she did not call them for a test?  16 A. Well, that's kind of a hard question  17 because -- I'm sure there has been some, but  18 they may not have been given tests at the time  19 and that person probably just got lost in the  20 shuffle.  21 Q. You mean there may have been someone  22 that you gave --  23 A. Well, there might be -- I mean, I may  24 hand in a resume today, but they may not be</p>	<p style="text-align: right;">Page 36</p> <p>1 this time. If I went through those resumes --  2 I'm sure there is some in those resumes that you  3 do have there.  4 Q. Who is Jimmy Paul? How do you know  5 him?  6 A. How do I know him?  7 Q. Yes.  8 A. Well, I knew his mother. She worked  9 in a place out in Grayson, which wasn't a very  10 good job, so. I got to meet him, too. So,  11 that's the reason.  12 Q. How do you know Mike Eastham?  13 A. Well, we kind of grew up together.  14 Q. When did you refer them to AK Steel?  15 A. 2000 -- somewhere about 2002 or  16 somewhere in that area.  17 Q. Were they both around the same time  18 frame?  19 A. I don't think so.  20 Q. Do you remember when?  21 A. No.  22 Q. How many African-Americans have you  23 referred?  24 A. I don't know how many.</p>
<p style="text-align: right;">Page 35</p> <p>1 testing for another eight months and that person  2 gets lost.  3 Q. So, in other words, AK wasn't hiring  4 at that time?  5 A. Yeah. Yes.  6 Q. Are you aware of any individuals like  7 that sitting here today?  8 A. Well, I'm sure I could find someone,  9 but not today.  10 Q. Okay. You can't think of anybody  11 sitting here?  12 A. Yeah. Yeah.  13 Q. Did you ever refer any Caucasian  14 applicants?  15 A. Yeah.  16 Q. Do you remember any of them?  17 A. Huh?  18 Q. Do you remember any of their names?  19 A. Yes.  20 Q. Who was that?  21 A. Jimmy Paul.  22 Q. Anyone else?  23 A. Mike Eastham. And I'm sure there is  24 some other ones. I can't remember anybody at</p>	<p style="text-align: right;">Page 37</p> <p>1 Q. More than 10?  2 A. Oh, yeah.  3 Q. More than 20?  4 A. Yeah.  5 Q. More than 100?  6 A. Probably.  7 Q. What do you know about -- the  8 individuals that you referred, what would you  9 know about their qualifications?  10 A. Just what they told me or what their  11 resume would say.  12 Q. Okay. Would you recommend someone to  13 apply if they didn't have a high school diploma  14 or a GED?  15 A. No. I told them they have to have a  16 GED.  17 Q. Would you recommend someone to apply  18 if they had a criminal record?  19 A. Well, they usually wouldn't tell me  20 that. Usually, I'll mention if they were  21 currently on drugs or have a problem with drugs,  22 there is no use in applying.  23 Q. The resumes that you have provided  24 today, are those all of the individuals that you</p>

<p style="text-align: right;">Page 38</p> <p>1 referred over the years?</p> <p>2 <b>A. No.</b></p> <p>3 Q. Why do you have these resumes?</p> <p>4 <b>A. Them are just the ones we made copies</b></p> <p>5 <b>of and I just happened to have them.</b></p> <p>6 Q. Why did you make copies of them?</p> <p>7 <b>A. Well, them was the ones -- you know,</b></p> <p>8 <b>when they were getting hired, them was the ones</b></p> <p>9 <b>that I would look at. I mean, I would make a</b></p> <p>10 <b>copy and hand the rest in to Susan. Usually, I</b></p> <p>11 <b>make a copy of everything.</b></p> <p>12 Q. Why did you make a copy of them?</p> <p>13 <b>A. Huh?</b></p> <p>14 Q. Why did you make a copy of them?</p> <p>15 <b>A. Why do I?</b></p> <p>16 Q. Yeah.</p> <p>17 <b>A. Well, usually I use them as reference.</b></p> <p>18 <b>Sometimes if I go back in the fields, like</b></p> <p>19 <b>someone from Huntington, I would have their</b></p> <p>20 <b>phone number and I'll talk to them and, you</b></p> <p>21 <b>know, see if they knew anyone else that was a</b></p> <p>22 <b>good worker.</b></p> <p>23 Q. So, did you make copies of all of the</p> <p>24 ones that you referred in to Susan?</p>	<p style="text-align: right;">Page 40</p> <p>1 list?</p> <p>2 <b>A. About every six months.</b></p> <p>3 Q. And you would compare that to who you</p> <p>4 had referred?</p> <p>5 <b>A. Now, what do you mean there?</b></p> <p>6 Q. Did you keep -- let me ask you a</p> <p>7 different question. Did you keep a list of the</p> <p>8 people that you had referred?</p> <p>9 <b>A. Well, I have some of the resumes of</b></p> <p>10 <b>the people that I referred, yeah.</b></p> <p>11 Q. Other than the resumes that you have,</p> <p>12 and I assume you have produced all of the ones</p> <p>13 that you have to me today?</p> <p>14 <b>A. Those are the only ones that I could</b></p> <p>15 <b>find, yeah.</b></p> <p>16 Q. Do you have any other records of who</p> <p>17 you referred?</p> <p>18 <b>A. No.</b></p> <p>19 Q. Would Susan Lester also invite you to</p> <p>20 go to job fairs with her?</p> <p>21 <b>A. Yeah.</b></p> <p>22 Q. And what would you do at the job</p> <p>23 fairs?</p> <p>24 <b>A. Well, we'd talk to people that</b></p>
<p style="text-align: right;">Page 39</p> <p>1 <b>A. Well, no. I don't have them all, no.</b></p> <p>2 Q. Why not?</p> <p>3 <b>A. Huh?</b></p> <p>4 Q. Why not? Did you make copies and just</p> <p>5 don't have them anymore?</p> <p>6 <b>A. No, I didn't ever make copies of all</b></p> <p>7 <b>of them.</b></p> <p>8 Q. Why didn't you make copies of all of</p> <p>9 them? What would make you make a copy of one</p> <p>10 and not make a copy of another?</p> <p>11 <b>A. Well, I just didn't have time. You</b></p> <p>12 <b>see, I work a lot of hours.</b></p> <p>13 Q. So, you made copies when you had time?</p> <p>14 <b>A. Yeah.</b></p> <p>15 Q. Okay.</p> <p>16 <b>A. Or not be around the copy machine or</b></p> <p>17 <b>whatever. Sometimes I will just hand them</b></p> <p>18 <b>straight in.</b></p> <p>19 Q. Do you keep records of who was hired</p> <p>20 by AK Steel?</p> <p>21 <b>A. No. I usually get a seniority list</b></p> <p>22 <b>every so often at the civil rights meetings and</b></p> <p>23 <b>it will show me who was hired.</b></p> <p>24 Q. How often would you get that seniority</p>	<p style="text-align: right;">Page 41</p> <p>1 possibly could be applicants that were possibly</p> <p>2 -- you know, had the skills to be hired there.</p> <p>3 And usually, I mean she would talk to the people</p> <p>4 that were working salary. And, you know, hourly</p> <p>5 people I would usually talk to, the people that,</p> <p>6 you know, claim to be maintenance people.</p> <p>7 Q. And was it your understanding that the</p> <p>8 purpose there was to get more minority,</p> <p>9 qualified minority applicants?</p> <p>10 <b>A. Not necessarily. I mean -- well, you</b></p> <p>11 <b>know, I was there for that too, but you know</b></p> <p>12 <b>there is, you know, Caucasian applicants that</b></p> <p>13 <b>come through that have the skill, you know.</b></p> <p>14 Q. Did Susan Lester encourage you to</p> <p>15 refer qualified African-American applicants?</p> <p>16 <b>A. Yeah.</b></p> <p>17 Q. Do you know how many African-</p> <p>18 Americans applied at Ashland?</p> <p>19 <b>A. No.</b></p> <p>20 Q. Do you know how many whites applied at</p> <p>21 Ashland?</p> <p>22 <b>A. No.</b></p> <p>23 Q. Do you know why any individual was not</p> <p>24 hired at Ashland?</p>

Page 42	Page 44
<p>1     <b>A. Do I know why?</b>  2     Q. Uh-huh.  3     <b>A. Well, if they told me, I would know</b>  4 <b>why.</b>  5     Q. Okay. Other than if the individual  6 applicant told you, would you have any other --  7     <b>A. No.</b>  8     Q. What did the individuals that told  9 you, what did they tell you why they were not  10 hired?  11     <b>A. Well, I mean what I think is -- do you</b>  12 <b>want me to answer what I think is legitimate or</b>  13 <b>just what some of them says or -- I mean,</b>  14 <b>there's all kinds of reasons, you know.</b>  15     Q. Well, I want to know what they told  16 you.  17             MS. DONAHUE: Let me object to  18 this as vague. Maybe if there is a particular  19 individual you know about, but this is a very  20 broad and vague question.  21     Q. That's okay. You obviously remember  22 or have some recollection of what individuals  23 have told you?  24     <b>A. Yeah.</b></p>	<p>1     <b>A. Yeah, I remember who that was.</b>  2     Q. Who was that?  3     <b>A. Tim Pleasant.</b>  4     Q. Is he African-American?  5     <b>A. Yes.</b>  6     Q. And do you remember who said they  7 believed they passed the test and they didn't?  8     <b>A. No.</b>  9     Q. No?  10     <b>A. No. Everybody, white and black.</b>  11     Q. Did anyone from AK Steel ever tell you  12 why anyone was not hired?  13     <b>A. Well, people have gave their analysis,</b>  14 <b>but not officially.</b>  15     Q. I mean, like from Susan Lester or  16 anyone involved in the hiring process?  17     <b>A. Told you why they hadn't --</b>  18     Q. Have they told you why any particular  19 applicant was not hired?  20     <b>A. No.</b>  21     Q. Did anyone at AK Steel ever comment to  22 you about the race of any of the applicants?  23     <b>A. Well, you are in Eastern Kentucky,</b>  24 <b>yeah.</b></p>
Page 43	Page 45
<p>1     Q. What have they told you?  2     <b>A. Well, some said they messed up in the</b>  3 <b>interview.</b>  4     Q. What else have you heard?  5     <b>A. Some said, well, the physical wasn't</b>  6 <b>fair, the breathing machine wasn't -- didn't</b>  7 <b>give -- either the nurse made the breathing</b>  8 <b>machine not work right or whatever, supposedly.</b>  9 <b>One guy said he was a tennis player, but he</b>  10 <b>couldn't pass the breathing test, but he played</b>  11 <b>tennis.</b>  12     Q. What else have they told you?  13     <b>A. Well, they believe they passed the</b>  14 <b>test and it came back that they didn't.</b>  15     Q. Anything else?  16     <b>A. Oh, there is all kinds of things, but</b>  17 <b>that's about all.</b>  18     Q. Okay. Do you remember who said they  19 had messed up in their interview?  20     <b>A. No, I can't recall.</b>  21     Q. Do you remember who said they -- the  22 physical, they messed up on the physical?  23     <b>A. Oh, on the breathing?</b>  24     Q. Yes.</p>	<p>1     Q. Who said?  2     <b>A. Well, I'm not -- I don't recall who.</b>  3     Q. What did they say?  4     <b>A. Huh? What did they say?</b>  5     Q. Yeah.  6     <b>A. Oh, okay. Well, AK is hiring too many</b>  7 <b>niggers.</b>  8     Q. Who is this? Was this someone that  9 was an hourly employee or union?  10     <b>A. Hourly.</b>  11     Q. Did any management employee at AK  12 Steel ever say anything about the race of the  13 applicants?  14     <b>A. To me?</b>  15     Q. Yes.  16     <b>A. No.</b>  17     Q. Have you ever heard from anyone else  18 that anyone in management ever said anything  19 about the race of the applicants?  20     <b>A. Now, what was that again?</b>  21     Q. Have you ever heard from anyone else  22 that anyone -- in other words, you didn't hear  23 it from the manager, but you heard someone else  24 say that the manager said something about the</p>

<p style="text-align: right;">Page 46</p> <p>1 race?</p> <p>2 <b>A. Yeah. Yeah.</b></p> <p>3 Q. What have you heard?</p> <p>4 <b>A. Well, basically all along them lines.</b></p> <p>5 <b>But, you know, that is coming from another</b></p> <p>6 <b>party, so that doesn't mean that it's true.</b></p> <p>7 Q. Okay. Do you know what manager they</p> <p>8 attributed it to?</p> <p>9 <b>A. Well, I don't know. I mean, it has</b></p> <p>10 <b>been a while back. I really don't know the</b></p> <p>11 <b>guy's last name.</b></p> <p>12 Q. Okay.</p> <p>13 <b>A. Yeah.</b></p> <p>14 Q. How long ago was this?</p> <p>15 <b>A. Probably in the -- it was in the '80s.</b></p> <p>16 Q. '80s?</p> <p>17 <b>A. Uh-huh.</b></p> <p>18 Q. Have you ever heard anything since the</p> <p>19 '80s attributed to any managers?</p> <p>20 <b>A. Well, you hear all kinds of rumors.</b></p> <p>21 Q. Have you ever heard anything</p> <p>22 attributed to Susan Lester saying anything about</p> <p>23 the races?</p> <p>24 <b>A. No. No.</b></p>	<p style="text-align: right;">Page 48</p> <p>1 THE WITNESS: No.</p> <p>2 Q. And you are not aware of anyone else</p> <p>3 at AK Steel who is involved in the hiring</p> <p>4 process; is that correct?</p> <p>5 <b>A. Well, they have to -- in the hiring</b></p> <p>6 <b>process, they have to go through the hospital on</b></p> <p>7 <b>the physicals.</b></p> <p>8 Q. Okay.</p> <p>9 <b>A. Okay. So, that's another group.</b></p> <p>10 Q. Do you believe that anyone involved in</p> <p>11 that medical process discriminated against any</p> <p>12 African-Americans?</p> <p>13 MS. DONAHUE: Object to the</p> <p>14 form. It calls for a legal conclusion. Go</p> <p>15 ahead.</p> <p>16 THE WITNESS: Plus, I don't know</p> <p>17 anything about medicine, so.</p> <p>18 Q. So, you don't have --</p> <p>19 <b>A. Well, I believe -- what I say is just</b></p> <p>20 <b>rumor too, you know. I mean, I don't know</b></p> <p>21 <b>anything about a physical. You know, well I can</b></p> <p>22 <b>say, Well, that doesn't sound right, but you</b></p> <p>23 <b>know I'm not a nurse or a doctor.</b></p> <p>24 Q. So, you don't have any belief one way</p>
<p style="text-align: right;">Page 47</p> <p>1 Q. Do you know anyone besides Susan</p> <p>2 Lester who is involved in the hiring process at</p> <p>3 Ashland?</p> <p>4 <b>A. Do I know of anyone else?</b></p> <p>5 Q. Is anyone else involved in the hiring</p> <p>6 process other than Susan Lester?</p> <p>7 <b>A. I believe Jerry Davis was, but he's</b></p> <p>8 <b>retired now.</b></p> <p>9 Q. When did he retire?</p> <p>10 <b>A. Possibly '05 or '06.</b></p> <p>11 Q. Have you ever heard that he said</p> <p>12 anything about the race of the applicants?</p> <p>13 <b>A. No.</b></p> <p>14 Q. Do you believe that Susan Lester ever</p> <p>15 discriminated against African-Americans?</p> <p>16 MS. DONAHUE: Object to the</p> <p>17 form. It calls for a legal conclusion. But go</p> <p>18 ahead and answer as far as you know.</p> <p>19 THE WITNESS: No.</p> <p>20 Q. Okay. What about Jerry Davis, do you</p> <p>21 have any belief that he discriminated against</p> <p>22 African-Americans in the hiring process?</p> <p>23 MS. DONAHUE: Object to the</p> <p>24 form. It calls for a legal conclusion.</p>	<p style="text-align: right;">Page 49</p> <p>1 or another?</p> <p>2 <b>A. Well, I can't -- I'm not the man to</b></p> <p>3 <b>judge. Somebody may say, Well, the medical</b></p> <p>4 <b>department done me wrong and I might agree with</b></p> <p>5 <b>it but, as I said, I'm not a doctor or a nurse,</b></p> <p>6 <b>so.</b></p> <p>7 Q. Okay. Do you know whether AK Steel</p> <p>8 treated any African-American applicant</p> <p>9 differently than any white applicant?</p> <p>10 <b>A. As far as I know, no.</b></p> <p>11 Q. Okay. Do you know whether AK Steel</p> <p>12 hired any white applicants who did not pass the</p> <p>13 test?</p> <p>14 <b>A. No, I don't have any proof of that,</b></p> <p>15 <b>no.</b></p> <p>16 Q. Do you know whether AK Steel hired any</p> <p>17 white applicant who had a criminal record?</p> <p>18 <b>A. Well, I mean I'm -- the answer would</b></p> <p>19 <b>be no. But you know, just rumors, but no proof.</b></p> <p>20 <b>So, I guess the answer would be no.</b></p> <p>21 Q. Okay. When you say "rumors," what do</p> <p>22 you mean?</p> <p>23 <b>A. Well, I mean rumors is like, Well,</b></p> <p>24 <b>this lady here, she was caught for drugs a few</b></p>



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<p>1 years ago and she is in here working. But you  2 know, that's just rumor. You hear stuff like  3 that all of the time. But proof, no, I never  4 seen no proof of it.  5 Q. Okay. Do you know whether AK Steel  6 ever hired any white applicants who lied or  7 falsified their own employment application?  8 A. No.  9 MS. DONAHUE: Excuse me. Do you  10 answer that you don't know, you don't know one  11 way or the other, or do you --  12 THE WITNESS: Well, I don't know  13 one way or the other.  14 Q. Do you know Mary Harris?  15 A. No.  16 Q. Okay. Do you know a Roderick Russell?  17 A. No.  18 Q. Do you know a Michael Miller?  19 A. No.  20 Q. Do you know Edward Lewis?  21 A. Edward Lewis? I know there's a Lewis  22 I met at the job fair, but I don't know if it  23 was Edward.  24 Q. That was the job fair down here?</p>	<p>1 A. It was in Portsmouth.  2 Q. Do you remember when?  3 A. I think it was Fall of '01.  4 Q. Do you remember talking to Mr. Carter?  5 A. I just remember meeting him there and  6 I believe we gave him an application, I believe.  7 Q. Did you have any conversations with  8 him after that?  9 A. I think I met him once when I was  10 recruiting again and I was with someone who  11 worked on the civil rights board with me. It  12 was Mark Collins.  13 Q. What did you talk about with him then?  14 A. I can't recall. I remember I possibly  15 give him a sample test at the time.  16 Q. Had he taken the AK Steel test yet; do  17 you know?  18 A. I think he had already took it once  19 when I talked to him again.  20 Q. Did you ever help anyone with their  21 application or their resume?  22 A. Now, what do you mean?  23 Q. Help them fill it out, tell them --  24 you know, suggest ways to fill it out correctly</p>
Page 51	Page 53
<p>1 A. Yeah.  2 Q. And do you know a Donald Edwards?  3 A. No.  4 Q. Do you know a Shawn Pryor?  5 A. No.  6 Q. Do you know James Greenwood?  7 A. No.  8 Q. Do you know Thadius Freeman?  9 A. Huh?  10 Q. Thadius Freeman.  11 A. I can't recall him.  12 Q. What about Ronald Sloan?  13 A. No.  14 Q. Do you know Vivian Bert?  15 A. No.  16 Q. Do you know Darrell Carter?  17 A. I believe he came to a job fair.  18 Q. Had you known him before the job fair?  19 A. No.  20 Q. Do you remember meeting him at a job  21 fair?  22 A. Yeah.  23 Q. Do you remember when that job fair  24 was?</p>	<p>1 or to fill it out better?  2 A. I don't recall doing that.  3 Q. Okay. Do you know why Mr. Carter was  4 not hired?  5 A. Yeah -- well, the first time, he  6 failed the test.  7 Q. Do you know whether he reapplied  8 again?  9 A. I don't know.  10 Q. When did you find out that he failed  11 the test?  12 A. When I talked to him the second time I  13 met him.  14 Q. Do you know how long after the first  15 meeting that was?  16 A. No.  17 Q. Did you ever talk to him about filing  18 a lawsuit or a charge?  19 A. No.  20 Q. Did he ever talk to you about filing a  21 lawsuit or charge?  22 A. No.  23 Q. Did you know anything about Mr.  24 Carter's qualifications?</p>

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1 **A. I don't think so, no.**  
 2 Q. Okay.  
 3 **A. Just what he told me at the time.**  
 4 Q. Do you remember what he told you?  
 5 **A. No.**  
 6 Q. Okay. Have you met or talked to him  
 7 any other time?  
 8 **A. No.**  
 9 Q. Okay. Did you give Darrell Carter's  
 10 name to attorneys?  
 11 **A. No.**  
 12 Q. Do you know Marnie Carter? Marnie,  
 13 M-a-r-n-i-e, Carter.  
 14 **A. Well, I believe his sister -- I think**  
 15 **two sisters of his applied. Is that one of**  
 16 **them?**  
 17 Q. I think she might be a niece.  
 18 **A. Okay. Well, I believe that was at the**  
 19 **same job fair.**  
 20 Q. Do you remember talking to her?  
 21 **A. Well, no.**  
 22 Q. No?  
 23 **A. I don't recall. I'm sure I said**  
 24 **something to her, but I don't recall what it**

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1 **was.**  
 2 Q. Okay. Have you ever met or talked to  
 3 her any other time?  
 4 **A. No.**  
 5 Q. Do you know anything about her  
 6 qualifications?  
 7 **A. No.**  
 8 Q. Do you know whether she submitted an  
 9 application to AK Steel?  
 10 **A. Huh-uh.**  
 11 Q. No? Yes?  
 12 **A. I think we gave her an application.**  
 13 Q. Okay.  
 14 **A. I can't recall if she submitted it or**  
 15 **not.**  
 16 Q. Do you know whether or not she was  
 17 hired by AK Steel?  
 18 **A. Well, if she was hired, I would see**  
 19 **her on the seniority list and she's not on the**  
 20 **seniority list, no.**  
 21 Q. Assuming that she applied, do you know  
 22 why she was not hired?  
 23 **A. (No response.)**  
 24 Q. Assuming she did apply, do you know

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1 why she was not hired by AK Steel?  
 2 **A. No.**  
 3 Q. Okay. Did you ever call her to see if  
 4 she passed the test?  
 5 **A. No.**  
 6 Q. Did you ever call any of the  
 7 applicants that you referred to see if they  
 8 passed the test?  
 9 **A. Yeah.**  
 10 Q. Why did you do that?  
 11 **A. Well, just to see if they passed the**  
 12 **test.**  
 13 Q. Okay.  
 14 **A. Basically. I mean, if the procedure**  
 15 **was going any further with them.**  
 16 Q. I'm sorry?  
 17 **A. Yeah, if the procedure -- I mean,**  
 18 **yeah, I have called a week later to say, Well,**  
 19 **did you pass the test or did you find out**  
 20 **whether you passed it or not?**  
 21 Q. Did you ever tell any of those people  
 22 that they ought to file a lawsuit against AK  
 23 Steel?  
 24 **A. No.**

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1 Q. Did you give Marnie Carter's name to  
 2 any attorneys?  
 3 **A. No.**  
 4 Q. Do you know a Darlene Carter?  
 5 **A. Well, that must be the other one.**  
 6 Q. You recall that she might have come to  
 7 the job fair, as well?  
 8 **A. Yeah.**  
 9 Q. Do you know if she actually submitted  
 10 an application?  
 11 **A. No, I don't know.**  
 12 Q. Okay. Do you know whether she --  
 13 well, do you know whether or not she has been  
 14 hired at AK Steel?  
 15 **A. She hasn't been hired there.**  
 16 Q. Okay. Do you know why she has not  
 17 been hired?  
 18 **A. No.**  
 19 Q. Do you know anything about her  
 20 qualifications?  
 21 **A. No.**  
 22 Q. Have you met or talked to her any  
 23 other time?  
 24 **A. No.**

<p style="text-align: right;">Page 58</p> <p>1 Q. Did you call her after she applied to</p> <p>2 see if she passed the test?</p> <p>3 <b>A. No.</b></p> <p>4 Q. Okay. Did you ever give her name on</p> <p>5 to an attorney?</p> <p>6 <b>A. No.</b></p> <p>7 Q. Do you know a Timothy Oliphant?</p> <p>8 <b>A. Timothy Oliphant? I think he came to</b></p> <p>9 <b>a job fair also.</b></p> <p>10 Q. Do you remember what job fair he came</p> <p>11 to?</p> <p>12 <b>A. I believe it was the one in Ashland</b></p> <p>13 <b>Mall. I think it was Spring of 2002.</b></p> <p>14 Q. Do you remember talking to him at that</p> <p>15 job fair?</p> <p>16 <b>A. Yeah.</b></p> <p>17 Q. Do you remember what the conversation</p> <p>18 was?</p> <p>19 <b>A. Yeah.</b></p> <p>20 Q. What did you say? What did he say?</p> <p>21 <b>A. Well, I remember he had a resume that</b></p> <p>22 <b>he was wanting to give us, but when the AK</b></p> <p>23 <b>officials decided we wasn't taking resumes, that</b></p> <p>24 <b>they needed to be faxed in. So, I am assuming</b></p>	<p style="text-align: right;">Page 60</p> <p>1 any time?</p> <p>2 <b>A. Huh?</b></p> <p>3 Q. Have you ever talked or met with him</p> <p>4 at any other time?</p> <p>5 <b>A. I don't recall.</b></p> <p>6 Q. Do you know anything about his</p> <p>7 qualifications?</p> <p>8 <b>A. I think he just worked at a Coke plant</b></p> <p>9 <b>that just shut down.</b></p> <p>10 Q. Do you know why he was not hired?</p> <p>11 <b>A. I'm assuming he failed the test.</b></p> <p>12 Q. You don't know for sure?</p> <p>13 <b>A. No, I don't know for sure.</b></p> <p>14 Q. Do you know if he had a criminal</p> <p>15 record?</p> <p>16 <b>A. No.</b></p> <p>17 Q. Did you ever talk to him about suing</p> <p>18 AK Steel?</p> <p>19 <b>A. No.</b></p> <p>20 Q. Did you ever give his name to</p> <p>21 attorneys?</p> <p>22 <b>A. No.</b></p> <p>23 Q. Did you ever hear from him that he was</p> <p>24 going to sue AK Steel?</p>
<p style="text-align: right;">Page 59</p> <p>1 <b>he faxed one in. And I never did get a copy of</b></p> <p>2 <b>his resume.</b></p> <p>3 Q. You said AK officials said they</p> <p>4 weren't going to take resumes?</p> <p>5 <b>A. Uh-huh.</b></p> <p>6 Q. Who was that?</p> <p>7 <b>A. Mark Phillips.</b></p> <p>8 Q. Who is Mark Phillips?</p> <p>9 <b>A. I think he's from industrial</b></p> <p>10 <b>relations.</b></p> <p>11 Q. What role does he have in the hiring</p> <p>12 process?</p> <p>13 <b>A. Well, I don't know. He is just -- I</b></p> <p>14 <b>don't know.</b></p> <p>15 Q. Okay. Do you have any belief whether</p> <p>16 he has done anything to discriminate against</p> <p>17 African-American applicants?</p> <p>18 MS. DONAHUE: Object to the</p> <p>19 form. It calls for a legal conclusion.</p> <p>20 THE WITNESS: I don't know.</p> <p>21 Q. What else do you remember about the</p> <p>22 conversation with Mr. Oliphant?</p> <p>23 <b>A. That's about it.</b></p> <p>24 Q. Okay. Have you ever talked to him at</p>	<p style="text-align: right;">Page 61</p> <p>1 <b>A. No.</b></p> <p>2 Q. I think you already said this, but do</p> <p>3 you know Kay Jackson?</p> <p>4 <b>A. Yeah.</b></p> <p>5 Q. How do you know her?</p> <p>6 <b>A. She's a neighbor.</b></p> <p>7 Q. How long have you known her?</p> <p>8 <b>A. All of my life. Grew up together.</b></p> <p>9 Q. Did you ever encourage her to apply at</p> <p>10 AK Steel?</p> <p>11 <b>A. Yeah.</b></p> <p>12 Q. When did you do that?</p> <p>13 <b>A. I can't recall when.</b></p> <p>14 Q. Did you encourage Timothy Oliphant to</p> <p>15 apply to AK Steel?</p> <p>16 <b>A. He came to the job fair.</b></p> <p>17 Q. You encouraged him at that point?</p> <p>18 <b>A. I think that's what he came there to</b></p> <p>19 <b>do.</b></p> <p>20 Q. And you had not talked to him before</p> <p>21 that?</p> <p>22 <b>A. He might have got one of the flyers.</b></p> <p>23 Q. What were the flyers?</p> <p>24 <b>A. Well, they were -- when we was going</b></p>

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1 on about the job fair.

2 Q. Okay. What kind of flyers would you  
3 pass out before the job fair?

4 **A. I believe that's them right there.**

5 Q. You are talking about this type of  
6 flyer?

7 **A. Yeah.**

8 Q. I've got a one-page sheet that says,  
9 "Meet with recruiters for AK Steel Ashland  
10 regarding anticipated positions." And then it  
11 would post the location and time and that kind  
12 of thing.

13 MS. DONAHUE: Are we going to  
14 make this an exhibit?

15 MS. PRYOR: I'm not ready to do  
16 that.

17 MS. DONAHUE: Well, I think if  
18 he is going to answer questions about it, it  
19 needs to be an exhibit.

20 Q. Were you in charge of passing out  
21 these type of flyers?

22 **A. Yeah.**

23 Q. Okay. Where did you pass them out to?

24 **A. Around the tri-state area.**

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1 Q. What kinds of places?

2 **A. Mostly where the minorities are.**

3 Q. And did you do that before each job  
4 fair?

5 **A. Well, I tried to.**

6 Q. You tried to get the word out as best  
7 you could to as any minorities as possible about  
8 the hiring opportunities?

9 **A. Uh-huh.**

10 Q. Yes?

11 **A. Yes.**

12 Q. Do you know how many times Kay Jackson  
13 applied at AK Steel?

14 **A. No.**

15 Q. Do you know whatever happened with any  
16 of her applications?

17 **A. Her applications?**

18 Q. Yeah. Do you know whether she was  
19 hired or not?

20 **A. No, she wasn't hired.**

21 Q. Do you know why she was not hired?

22 **A. I know one time she failed the test.**

23 Q. Do you remember when that was?

24 **A. (Witness shakes head side to side.)**

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1 Q. No?

2 **A. No.**

3 Q. Do you know anything about her  
4 qualifications?

5 **A. Yes. She worked for Dupont.**

6 Q. Do you know what she did for Dupont?

7 **A. Yeah. I think she started out in the  
8 field and then she worked in the office.**

9 Q. When you say she started out in the  
10 field, what does that mean?

11 **A. Well, that means industrial work.**

12 Q. Do you know anything else about her  
13 qualifications?

14 **A. No.**

15 Q. What conversations have you had with  
16 her about AK Steel?

17 **A. Well, I'm sure we had plenty of  
18 conversations, I just don't recall what all we  
19 said.**

20 Q. Did you ever talk to her about suing  
21 AK Steel?

22 **A. No.**

23 Q. Did she ever talk to you about the  
24 fact that she was going to sue AK Steel?

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1 **A. Well, she might have been the one who  
2 gave me the papers. Either I got them from her  
3 or her one after they were filed.**

4 Q. Do you remember any conversations with  
5 her about it?

6 **A. No. I just remember reading it and  
7 seeing my name was on there on some of them.**

8 Q. Did you ever tell her how to contact  
9 attorneys?

10 **A. No.**

11 Q. Did you ever give attorneys her name  
12 and number?

13 **A. No.**

14 Q. Did you ever tell her that none of  
15 those who took the test with you were hired?

16 **A. Huh?**

17 Q. Did you ever tell her that none of the  
18 African-Americans who took the test with her  
19 were hired?

20 **A. Well, I don't know that.**

21 Q. You wouldn't know that?

22 **A. I don't know when she took the test or  
23 -- so no, I couldn't have told her that because  
24 I wouldn't know that.**

<p style="text-align: right;"><b>Page 66</b></p> <p>1 Q. Have you had any conversations with 2 her about the lawsuit since the lawsuit was 3 filed? 4 <b>A. Oh, probably.</b> 5 Q. What did she say about it? 6 <b>A. She just maybe told me how it was</b> 7 <b>going or whatever.</b> 8 Q. How did she say it was going? 9 <b>A. Her wanting to know why -- well, she</b> 10 <b>might have been saying like why -- you know,</b> 11 <b>saying it's taking a long time or whatever. You</b> 12 <b>know, we are neighbors, so we just talk.</b> 13 Q. Anything else she said about the 14 lawsuit? 15 <b>A. No, not that I know of. Just</b> 16 <b>chit-chat.</b> 17 Q. Do you know Tiffany Jackson? 18 <b>A. Yeah.</b> 19 Q. How do you know her? 20 <b>A. She's a neighbor also.</b> 21 Q. Do you know anything about her 22 application at AK Steel? 23 <b>A. I just know she applied. I can't</b> 24 <b>remember when.</b></p>	<p style="text-align: right;"><b>Page 68</b></p> <p>1 Q. Have you ever been present at any 2 meeting or gathering of African-American 3 applicants when they discussed suing AK Steel? 4 <b>A. No.</b> 5 Q. Did you ever tell Susan Lester that 6 you were at a meeting and they were going to 7 sue? 8 <b>A. No.</b> 9 Q. Did you ever tell Susan Lester that 10 you told applicants to go to a lawyer? 11 <b>A. No.</b> 12 Q. Did you ever tell any applicants to go 13 to a lawyer? 14 <b>A. No.</b> 15 Q. Prior to the last two weeks, have you 16 ever met with Susan Donahue or any other lawyer 17 that is representing the plaintiffs in this 18 lawsuit? 19 <b>A. Have I ever met?</b> 20 Q. Met with them or talked to them on the 21 phone. 22 <b>A. I have talked to them on the phone.</b> 23 Q. When did you talk with them on the 24 phone?</p>
<p style="text-align: right;"><b>Page 67</b></p> <p>1 Q. Do you know why she was not hired? 2 <b>A. I think she failed the test.</b> 3 Q. Have you had any conversations with 4 her about the lawsuits? 5 <b>A. Not very much at all.</b> 6 Q. Do you remember any? 7 <b>A. Huh?</b> 8 Q. Do you remember any conversations with 9 her about the lawsuit? 10 <b>A. No, I don't recall of any.</b> 11 Q. Do you know a Dwight Lewis? 12 <b>A. No, I don't know him. I think he came</b> 13 <b>to a job fair. Okay. Was that the Lewis that</b> 14 <b>you asked me about earlier?</b> 15 Q. This is a different Lewis. 16 <b>A. Okay. That might be -- I may not know</b> 17 <b>the other one. I may have met this one.</b> 18 Q. Have you met or talked to them any 19 time besides that -- 20 <b>A. Job fair?</b> 21 Q. (Continuing) -- job fair? 22 <b>A. No.</b> 23 Q. Do you know why he was not hired? 24 <b>A. No.</b></p>	<p style="text-align: right;"><b>Page 69</b></p> <p>1 <b>A. Probably in -- after the lawsuit was</b> 2 <b>filed. When I got the papers, I talked to</b> 3 <b>Sanford.</b> 4 Q. After the lawsuit was filed? 5 <b>A. Uh-huh.</b> 6 Q. Have you ever met or talked with 7 Sanford before that? 8 <b>A. No.</b> 9 Q. What did you talk about? 10 <b>A. Well, I was seeking legal advice on</b> 11 <b>something different, the employment securities</b> 12 <b>MS. DONAHUE: Okay. If you were</b> 13 <b>seeking legal advice, then anything you talked</b> 14 <b>to him is protected by the attorney/client</b> 15 <b>privilege.</b> 16 <b>THE WITNESS: Okay.</b> 17 Q. Did you talk to him about anything 18 relating to this lawsuit? 19 <b>A. No.</b> 20 Q. Did you contact him or did he contact 21 you? 22 <b>A. I contacted him.</b> 23 Q. Okay. Any other conversations or 24 meetings with any of the lawyers that represent</p>



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<p>1 the plaintiffs in this lawsuit?</p> <p>2 <b>A. Same thing. I talked to somebody in</b></p> <p>3 <b>Tabias' (Phonetic) office.</b></p> <p>4 Q. And that was, again, related to your</p> <p>5 own --</p> <p>6 <b>A. Yeah.</b></p> <p>7 Q. Any other conversations or meetings</p> <p>8 with the attorneys involved here?</p> <p>9 <b>A. No.</b></p> <p>10 Q. Okay. Do you have any notes or</p> <p>11 letters or other documents relating to any of</p> <p>12 the individuals that we have talked about today,</p> <p>13 the applicants, the Carters and the Jacksons?</p> <p>14 <b>A. Now, what do you mean now? Do I have</b></p> <p>15 <b>any --</b></p> <p>16 Q. Do you have any documents relating to</p> <p>17 any of those individuals?</p> <p>18 <b>A. No.</b></p> <p>19 Q. Okay. Do you know an Allen Roberts?</p> <p>20 <b>A. Yeah.</b></p> <p>21 Q. How do you know him?</p> <p>22 <b>A. I believe he contacted the union hall</b></p> <p>23 <b>here in Ashland and I believe he's a member of</b></p> <p>24 <b>the civil rights board in Middletown. He was</b></p>	<p>1 Q. What else did you discuss?</p> <p>2 <b>A. I'm sure there is other things, but</b></p> <p>3 <b>that's about all I recall. Basically, the test.</b></p> <p>4 <b>And I think later on I got a hold of -- well, I</b></p> <p>5 <b>believe -- well, basically, the test and the</b></p> <p>6 <b>lack of hiring minority women.</b></p> <p>7 Q. Did he say anything about the test</p> <p>8 other than that people were failing it?</p> <p>9 <b>A. That's about it. People were failing</b></p> <p>10 <b>it and the test was discriminatory, is what he</b></p> <p>11 <b>said.</b></p> <p>12 Q. Why was the test discriminatory?</p> <p>13 <b>A. I would say because more black people</b></p> <p>14 <b>were probably failing it than white people.</b></p> <p>15 Q. Was that the opinion that Mr. Roberts</p> <p>16 expressed to you?</p> <p>17 <b>A. Yeah.</b></p> <p>18 Q. Did you express any similar opinion to</p> <p>19 him?</p> <p>20 <b>A. Well, you know, I didn't have any</b></p> <p>21 <b>numbers, but it kind of looked like it was going</b></p> <p>22 <b>that way, what he was saying.</b></p> <p>23 Q. Did you ever do anything to</p> <p>24 investigate that?</p>
Page 71	Page 73
<p>1 <b>wanting to talk to someone in the civil rights</b></p> <p>2 <b>board here. And he talked to Mark Collins, who</b></p> <p>3 <b>was on the civil rights board with me at that</b></p> <p>4 <b>time.</b></p> <p>5 Q. What race is Mark Collins?</p> <p>6 <b>A. He is black.</b></p> <p>7 Q. Did you also talk to Mr. Roberts?</p> <p>8 <b>A. I eventually got to talk to Mr.</b></p> <p>9 <b>Roberts on the phone.</b></p> <p>10 Q. What did you guys talk about?</p> <p>11 <b>A. Well, we just discussed how things was</b></p> <p>12 <b>going there, how things was going here. We also</b></p> <p>13 <b>talked to some guy from Butler also. I don't</b></p> <p>14 <b>remember what his name was.</b></p> <p>15 Q. Did the guy from Butler call you or</p> <p>16 did you call him?</p> <p>17 <b>A. I believe he called me.</b></p> <p>18 Q. What did you say about how things were</p> <p>19 going here to Mr. Roberts?</p> <p>20 <b>A. Oh, he was just -- a lot of people</b></p> <p>21 <b>were failing the test, the minorities.</b></p> <p>22 Q. He told you that or you told him that?</p> <p>23 <b>A. Well, he told me that and I told him</b></p> <p>24 <b>the same thing.</b></p>	<p>1 <b>A. No.</b></p> <p>2 Q. Did Mr. Roberts suggest that you do</p> <p>3 anything?</p> <p>4 <b>A. I can't recall.</b></p> <p>5 Q. Did he ever suggest that you encourage</p> <p>6 more minorities to apply and get a lawsuit</p> <p>7 together?</p> <p>8 <b>A. No. I was -- for the time I had, I</b></p> <p>9 <b>probably had as many minorities coming as I</b></p> <p>10 <b>could do at that time, so. He could have</b></p> <p>11 <b>suggested that, but there was nothing more I</b></p> <p>12 <b>could do there.</b></p> <p>13 MS. DONAHUE: That was a</p> <p>14 compound sentence and I'm not sure if you were</p> <p>15 answering the whole thing or not. So, I'm</p> <p>16 objecting to it as compound.</p> <p>17 Q. All right. What else did he talk</p> <p>18 about with you?</p> <p>19 <b>A. That's all basically I could recall</b></p> <p>20 <b>about that subject there.</b></p> <p>21 Q. Okay. And as a result of that</p> <p>22 conversation, did you do anything?</p> <p>23 <b>A. Huh?</b></p> <p>24 Q. Did you do anything after this</p>

<p style="text-align: right;">Page 74</p> <p>1 conversation?</p> <p>2 <b>A. No.</b></p> <p>3 Q. Did you have any other conversations</p> <p>4 with Mr. Roberts?</p> <p>5 <b>A. I probably had another conversation or</b></p> <p>6 <b>two but, you know, I can't recall what we talked</b></p> <p>7 <b>about.</b></p> <p>8 Q. Did he ever talk to you about suing AK</p> <p>9 Steel?</p> <p>10 <b>A. No. I just found out after I got the</b></p> <p>11 <b>lawsuit, yeah, that his name was on it also.</b></p> <p>12 Q. Okay. So, he never gave you any</p> <p>13 indication that he was planning on suing AK</p> <p>14 Steel?</p> <p>15 <b>A. No, not on this one.</b></p> <p>16 Q. Did he give you on some other?</p> <p>17 <b>A. No. I think -- well, let's see. I</b></p> <p>18 <b>think -- did he -- well, I may be asking you a</b></p> <p>19 <b>question. Did he have a suit filed in '99?</b></p> <p>20 Q. I think he filed a charge in '99. Did</p> <p>21 he tell you about that?</p> <p>22 <b>A. Well, I just remember reading that,</b></p> <p>23 <b>too, and it mentioned that -- I think it</b></p> <p>24 <b>mentioned about minority women in it not being</b></p>	<p style="text-align: right;">Page 76</p> <p>1 <b>that needs to be done.</b></p> <p>2 Q. What kinds of things need to be done?</p> <p>3 <b>A. Well, basically the test needs to be</b></p> <p>4 <b>more balanced out. Recruiting needs to be done</b></p> <p>5 <b>better, especially for minority women. It seems</b></p> <p>6 <b>like if they need an engineer or a specialty</b></p> <p>7 <b>person, I mean they will spend a lot of money to</b></p> <p>8 <b>do that, but when it comes to minority women,</b></p> <p>9 <b>they're probably not willing to spend money to</b></p> <p>10 <b>do that.</b></p> <p>11 Q. Okay. What do you mean by the testing</p> <p>12 needs to be more balanced out?</p> <p>13 <b>A. Well, you know, I'm just speaking with</b></p> <p>14 <b>when I see. I don't know all of the facts. But</b></p> <p>15 <b>it looks like more black people are failing than</b></p> <p>16 <b>whites and that's why this lawsuit is there.</b></p> <p>17 <b>I'm just saying that. So, it needs to be more</b></p> <p>18 <b>balanced.</b></p> <p>19 Q. And how do you know more black people</p> <p>20 are failing than whites?</p> <p>21 <b>A. Well, I don't know that. I just know</b></p> <p>22 <b>there is a lawsuit there and that's what it's</b></p> <p>23 <b>claiming.</b></p> <p>24 Q. Okay. You don't have any independent</p>
<p style="text-align: right;">Page 75</p> <p>1 <b>hired, or there are so many that went through</b></p> <p>2 <b>hiring, you know, no minority women.</b></p> <p>3 Q. Have you ever made any opinion</p> <p>4 yourself about whether there was discrimination</p> <p>5 in the hiring process?</p> <p>6 <b>A. Huh?</b></p> <p>7 Q. Have you ever come to any opinion</p> <p>8 yourself about whether there was discrimination</p> <p>9 in the hiring process?</p> <p>10 MS. DONAHUE: Object to the</p> <p>11 form. It calls for a legal conclusion. You can</p> <p>12 answer.</p> <p>13 THE WITNESS: Well, I have</p> <p>14 worked in different plants all over the valley</p> <p>15 and I've worked construction and there is</p> <p>16 discrimination in all of them. So, the answer</p> <p>17 would be yes.</p> <p>18 Q. What about at AK Steel?</p> <p>19 <b>A. Huh?</b></p> <p>20 Q. At AK Steel in particular.</p> <p>21 <b>A. Well, it still needs some work.</b></p> <p>22 Q. What do you mean it needs some work?</p> <p>23 <b>A. Well, I mean they may be a little</b></p> <p>24 <b>ahead of the games, but there is still things</b></p>	<p style="text-align: right;">Page 77</p> <p>1 knowledge of that?</p> <p>2 <b>A. No.</b></p> <p>3 Q. Have you ever complained about</p> <p>4 discrimination at AK Steel?</p> <p>5 <b>A. Now, what do you mean?</b></p> <p>6 Q. Have you ever complained that there</p> <p>7 was racial discrimination against you at AK</p> <p>8 Steel?</p> <p>9 <b>A. Complained to? I don't know if you</b></p> <p>10 <b>are -- to AK Steel or --</b></p> <p>11 Q. Either.</p> <p>12 <b>A. Hourly people or --</b></p> <p>13 Q. To AK Steel. Have you ever made</p> <p>14 complaint to AK Steel?</p> <p>15 <b>A. Well, yeah. Yeah.</b></p> <p>16 Q. What was that?</p> <p>17 <b>A. Huh?</b></p> <p>18 Q. What was that?</p> <p>19 <b>A. Yeah. Yeah, I have complained of</b></p> <p>20 <b>discrimination at AK Steel to AK Steel, yeah.</b></p> <p>21 Q. When did you do that?</p> <p>22 <b>A. Probably March of this year.</b></p> <p>23 Q. What did you complain about?</p> <p>24 <b>A. Well, I had a foreman that was</b></p>

<p style="text-align: right;">Page 78</p> <p>1 <b>basically setting me up to be fired, writing me</b>  2 <b>up on different things and using the N word.</b>  3 Q. Okay. And did AK Steel investigate  4 that?  5 <b>A. Yeah.</b>  6 Q. Did they terminate that foreman?  7 <b>A. Yeah.</b>  8 Q. Any other complaints that you have  9 made to AK Steel?  10 <b>A. Not to AK Steel, no.</b>  11 MS. PRYOR: Why don't we take a  12 break.  13 (A break was taken.)  14 Q. Mr. Cosby, did you ever refer any  15 individuals from Ashland to talk to Al Roberts?  16 <b>A. No.</b>  17 Q. You never gave anyone any indication  18 of a lawsuit to join onto?  19 <b>A. To join onto?</b>  20 Q. Yeah. Sign up, file.  21 <b>A. Well, no. I might have mentioned it</b>  22 <b>to somebody that there is one.</b>  23 Q. After it was filed?  24 <b>A. Yeah, after it was filed.</b></p>	<p style="text-align: right;">Page 80</p> <p>1 Q. Okay. Did you help recruit her?  2 <b>A. Yeah.</b>  3 Q. Okay. Do you know when?  4 <b>A. Well, I believe she just got hired on</b>  5 <b>probably seven months ago.</b>  6 Q. Okay. What about a Tapionia,  7 T-a-p-i-o-n-i-a, Johnson?  8 <b>A. Is there a date on that one?</b>  9 Q. It looks like July 12th, 2002 is  10 stamped on here.  11 <b>A. I can't recall who that is.</b>  12 Q. You don't recall her?  13 <b>A. No.</b>  14 Q. Do you know what race she is?  15 <b>A. I would say she is black.</b>  16 Q. Okay.  17 MS. DONAHUE: Don't speculate.  18 If you know.  19 THE WITNESS: Okay. Can I look  20 at that?  21 MS. DONAHUE: Well, if you are  22 going to look at it, then we need to have it as  23 an exhibit. I mean, we can't just be having  24 documents referred to in the testimony without</p>
<p style="text-align: right;">Page 79</p> <p>1 Q. Do you know who that was that you  2 mentioned it to?  3 <b>A. Let's see. I think I mentioned it to</b>  4 <b>Danny Johnson, but he is an employee now.</b>  5 Q. Okay. Did you mention it to anybody  6 else?  7 <b>A. I can't recall of anyone else.</b>  8 Q. And you never encouraged anyone to  9 file a lawsuit or to join the lawsuit?  10 MS. DONAHUE: Object to the  11 form. Asked and answered. But go ahead and  12 answer.  13 THE WITNESS: No.  14 Q. I have got a stack of resumes or  15 applications that you brought with you today.  16 Do you know Tammy Woodberry?  17 <b>A. Yeah.</b>  18 Q. What do you know about her?  19 <b>A. I think she is -- I think she is an</b>  20 <b>employee. Her name is Tammy Jesse now.</b>  21 Q. Okay. She's an employee at Ashland?  22 <b>A. Yeah.</b>  23 Q. What race is she?  24 <b>A. She is black.</b></p>	<p style="text-align: right;">Page 81</p> <p>1 actually having them identified.  2 Q. Well, I mean you can look at the  3 document if that helps refresh your memory.  4 <b>A. From Ashland? Yeah, she's black.</b>  5 Q. She's black?  6 <b>A. Yeah.</b>  7 Q. Is this your handwriting on this  8 document?  9 MS. DONAHUE: Patty, I mean why  10 are you not putting these into evidence?  11 MS. PRYOR: I just don't have a  12 bunch of copies of them, Susan.  13 MS. DONAHUE: Well, I think  14 maybe we can get a copy.  15 MS. PRYOR: Well, I can ask him  16 questions about it. You have got a copy of it.  17 MS. DONAHUE: Well, it would be  18 hard to identify and it would be better  19 identified.  20 MS. PRYOR: If it's something I  21 think we need in evidence, I'll put it into  22 evidence. I'm just asking him if that's his  23 handwriting.  24 MS. DONAHUE: And you are</p>

<p style="text-align: right;">Page 82</p> <p>1 referring to the handwriting on Tapionia's  2 Johnson's resume?  3 MS. PRYOR: Yes.  4 THE WITNESS: Yeah, I believe it  5 is.  6 Q. And this handwriting says BF. Does  7 that mean black female?  8 <b>A. It may be, yeah.</b>  9 Q. It says, "Left message," and then it  10 says, "Test - okay." Did you call her  11 afterwards, do you recall?  12 <b>A. Huh?</b>  13 Q. Did you call her after she took the  14 test?  15 <b>A. Well, test okay? Well, I might have</b>  16 <b>called her and she told me the test was okay.</b>  17 Q. Okay.  18 <b>A. You know. I mean, I don't --</b>  19 Q. Why did you call her?  20 <b>A. I don't remember.</b>  21 Q. Okay. Do you know whether she was  22 hired?  23 <b>A. No, she wasn't hired.</b>  24 Q. Do you know why she wasn't hired?</p>	<p style="text-align: right;">Page 84</p> <p>1 your recollection.  2 <b>A. Okay.</b>  3 Q. Do you recall him now?  4 <b>A. Yeah.</b>  5 Q. What do you remember about him?  6 <b>A. He is a young guy. I think he failed</b>  7 <b>the test.</b>  8 Q. What race was he?  9 <b>A. He is black.</b>  10 Q. Okay. Did you call him also to see if  11 he failed the test?  12 <b>A. I can't remember if I called him or he</b>  13 <b>called me or somebody else called me.</b>  14 Q. Is he someone that you recruited?  15 <b>A. Yeah.</b>  16 Q. Okay. The date stamps that are on a  17 number of these resumes, did you put those on  18 there?  19 <b>A. No.</b>  20 Q. Where did those come from?  21 <b>A. I believe -- will, I might have took</b>  22 <b>it to Susan and she probably stamped it and went</b>  23 <b>and made a copy of them for me and then I asked</b>  24 <b>for a copy then.</b></p>
<p style="text-align: right;">Page 83</p> <p>1 <b>A. No.</b>  2 Q. Okay. What about a Juan Thomas, Jr.,  3 do you know who he is?  4 <b>A. I'll need to see it.</b>  5 Q. Okay. You don't know him without  6 looking at the paper?  7 <b>A. Well, I need to know where he is from</b>  8 <b>and I have to look at the whole thing over. You</b>  9 <b>know, I might be able to put a face with it or</b>  10 <b>where I've talked to him at.</b>  11 Q. Well, first, I'm just going to ask you  12 if you know him. I'm asking you first up front  13 just whether you know him. I mean, there's some  14 people I would assume you know without looking  15 at a piece of paper?  16 MS. DONAHUE: Don't look at -- I  17 mean, it's just a problem. We are not going to  18 know what we are talking about at the end of the  19 day.  20 Q. You don't know him without looking at  21 the paper; is that right?  22 <b>A. That's right.</b>  23 Q. Let me show you what you produced on  24 his resume and let me know if that refreshes</p>	<p style="text-align: right;">Page 85</p> <p>1 Q. And why would you not ask for copies  2 of all of the ones that you gave her?  3 <b>A. Well, some people won't turn in</b>  4 <b>resumes, they turn in applications.</b>  5 Q. Okay.  6 <b>A. And you know, some people may even --</b>  7 <b>someone else may give her the resume for me and</b>  8 <b>they do the copies or they may just send the</b>  9 <b>resumes straight to her.</b>  10 Q. Okay.  11 <b>A. Sometimes I get copies and sometimes I</b>  12 <b>don't. Sometimes I have copies and, you know, I</b>  13 <b>don't have much time and I may lose them too</b>  14 <b>also, you know. So, these are just the ones</b>  15 <b>that I just happened to find.</b>  16 Q. Okay. So, your normal practice, you  17 were the one to bring it in to Susan if you got  18 the first copy of it?  19 <b>A. Huh?</b>  20 Q. Your normal practice --  21 <b>A. Yeah.</b>  22 Q. (Continuing) -- is that if you were  23 turning them in --  24 <b>A. Yeah.</b></p>

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<p>1 Q. (Continuing) -- would get a copy?</p> <p>2 <b>A. Yeah.</b></p> <p>3 MR. DONAHUE: Wait until she</p> <p>4 finishes her question before you answer.</p> <p>5 THE WITNESS: Okay. Sorry.</p> <p>6 Q. What about Loretta K. Thomas, do you</p> <p>7 know her?</p> <p>8 <b>A. She's an employee now.</b></p> <p>9 Q. She is an employee now?</p> <p>10 <b>A. Uh-huh.</b></p> <p>11 Q. Okay. What race is she?</p> <p>12 <b>A. She is white.</b></p> <p>13 Q. She's white. Did you recommend her to</p> <p>14 AK Steel?</p> <p>15 <b>A. I talked to her, I believe I did. I</b></p> <p>16 <b>mean, I think her husband worked there. I think</b></p> <p>17 <b>he might have initially gave her the resume, and</b></p> <p>18 <b>then I talked to her after before she was hired.</b></p> <p>19 Q. Okay. Who is Quarry Thomas, is that</p> <p>20 her husband?</p> <p>21 <b>A. Yeah.</b></p> <p>22 Q. And did you -- were you the one that</p> <p>23 gave the resume then to Susan Lester?</p> <p>24 <b>A. He may have gave it to her. I don't</b></p>	<p>1 Q. Middle Eastern of some sort?</p> <p>2 <b>A. Uh-huh.</b></p> <p>3 Q. Do you know whether he was hired?</p> <p>4 <b>A. He wasn't hired.</b></p> <p>5 Q. Do you know why he wasn't hired?</p> <p>6 <b>A. I'm thinking either he failed the test</b></p> <p>7 <b>or he didn't show up and take the test.</b></p> <p>8 Q. Okay. You don't know which one?</p> <p>9 <b>A. No. No.</b></p> <p>10 Q. Okay. What about a William Timothy</p> <p>11 Meadows, do you know who that is?</p> <p>12 <b>A. Yeah, he is an employee.</b></p> <p>13 Q. He is an employee?</p> <p>14 <b>A. Uh-huh</b></p> <p>15 Q. Did you refer him to AK Steel?</p> <p>16 <b>A. Yeah. Maybe me and a couple of others</b></p> <p>17 <b>also.</b></p> <p>18 Q. Okay. What race is he?</p> <p>19 <b>A. He is black.</b></p> <p>20 Q. Okay. Do you know when he was hired?</p> <p>21 <b>A. No. I mean, I would have to look and</b></p> <p>22 <b>see.</b></p> <p>23 Q. What about a Derek Fowler?</p> <p>24 <b>A. He is an employee.</b></p>
Page 87	Page 89
<p>1 <b>recall giving her -- well, I don't recall.</b></p> <p>2 Q. Okay. Why would you have a copy of</p> <p>3 her resume?</p> <p>4 <b>A. I have went and talked to her before.</b></p> <p>5 Q. What did you talk to her about?</p> <p>6 <b>A. Well, I think I might have gave her a</b></p> <p>7 <b>sample test and maybe tell her what -- you know,</b></p> <p>8 <b>what goes on on the plant and things like that.</b></p> <p>9 Q. Okay. Why did you do that?</p> <p>10 <b>A. So she, you know, would know and have</b></p> <p>11 <b>a better chance of getting hired.</b></p> <p>12 Q. Okay. What about a Mohammed Romam, do</p> <p>13 you know who he is?</p> <p>14 <b>A. Yeah, I remember him.</b></p> <p>15 Q. What do you remember about him?</p> <p>16 <b>A. Tall, dark and handsome guy, I</b></p> <p>17 <b>remember about him. I don't know. I mean, I</b></p> <p>18 <b>just -- I don't remember his qualifications or</b></p> <p>19 <b>nothing, I just remember talking to him and</b></p> <p>20 <b>handing his resume in.</b></p> <p>21 Q. Is he African-American?</p> <p>22 <b>A. I think he is -- no. He was Arabic.</b></p> <p>23 Q. Arabic?</p> <p>24 <b>A. Uh-huh.</b></p>	<p>1 Q. He is an employee?</p> <p>2 <b>A. Uh-huh.</b></p> <p>3 Q. What race is he?</p> <p>4 <b>A. He is black.</b></p> <p>5 Q. Did you refer him to AK Steel?</p> <p>6 <b>A. Yeah.</b></p> <p>7 Q. What about Misha, M-i-s-h-a, Wright,</p> <p>8 W-r-i-g-h-t?</p> <p>9 <b>A. Uh-huh.</b></p> <p>10 Q. Do you know her?</p> <p>11 <b>A. I just talked to her on the phone.</b></p> <p>12 Q. Okay. Did you encourage her to apply</p> <p>13 to AK Steel?</p> <p>14 <b>A. I think she already applied when I</b></p> <p>15 <b>talked to her.</b></p> <p>16 Q. Okay. How did you obtain a copy of</p> <p>17 her application?</p> <p>18 <b>A. I don't recall.</b></p> <p>19 Q. It looks like the applications that</p> <p>20 you've got here are just a copy of the first</p> <p>21 page?</p> <p>22 <b>A. Yeah, just copies, yeah.</b></p> <p>23 Q. Is that something you would obtain</p> <p>24 from Susan?</p>



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<p>1     <b>A. Possibly.</b></p> <p>2     Q. And you would just get the copy of the</p> <p>3 top page?</p> <p>4     <b>A. Huh?</b></p> <p>5     Q. You'd get a copy just of the first</p> <p>6 page?</p> <p>7     <b>A. Well, possibly, if that's all they</b></p> <p>8 <b>handed in. If they didn't hand the resume, I</b></p> <p>9 <b>might ask for a copy of the application so I</b></p> <p>10 <b>could talk to them.</b></p> <p>11    Q. And you just, again, get the copy of</p> <p>12 the first page?</p> <p>13    <b>A. Yeah. Yeah. Yeah.</b></p> <p>14    Q. Okay. And I noticed that all of these</p> <p>15 have the tear-off sheets torn off already. Do</p> <p>16 you know what a tear-off sheet is on the</p> <p>17 application?</p> <p>18    <b>A. No. Huh-uh.</b></p> <p>19    Q. Okay. What did you talk with Misha</p> <p>20 Wright about?</p> <p>21    <b>A. I can't recall.</b></p> <p>22    Q. Do you know whether she was hired?</p> <p>23    <b>A. She wasn't hired.</b></p> <p>24    Q. Do you know what her race is?</p>	<p>1     Q. Do you know how you got a copy of his</p> <p>2 application?</p> <p>3     <b>A. How I got a copy of it?</b></p> <p>4     Q. Uh-huh.</p> <p>5     <b>A. No.</b></p> <p>6     Q. Do you know a Jeffrey Layne?</p> <p>7     <b>A. I don't recall him.</b></p> <p>8     Q. Okay. Do you know anything about his</p> <p>9 qualifications?</p> <p>10    <b>A. No.</b></p> <p>11    Q. Anything about his application?</p> <p>12    <b>A. No.</b></p> <p>13    Q. Do you know how you got a copy of his</p> <p>14 application?</p> <p>15    <b>A. I don't recall.</b></p> <p>16    Q. What about David Payne, P-a-y-n-e?</p> <p>17    <b>A. Yeah, I remember him.</b></p> <p>18    Q. And who is he?</p> <p>19    <b>A. He is a black guy. He was a crane</b></p> <p>20 <b>operator.</b></p> <p>21    Q. Was he hired by AK Steel?</p> <p>22    <b>A. I think he was, and then he changed</b></p> <p>23 <b>his mind and left.</b></p> <p>24    Q. Okay. Did you refer him for</p>
Page 91	Page 93
<p>1     <b>A. Black.</b></p> <p>2     Q. Do you know why she wasn't hired?</p> <p>3     <b>A. No.</b></p> <p>4     Q. What about a Marvin Layne, L-a-y-n-e?</p> <p>5     <b>A. Yeah he is an employee.</b></p> <p>6     Q. He is an employee?</p> <p>7     <b>A. Yeah.</b></p> <p>8     Q. Do you know what his race is?</p> <p>9     <b>A. He is bi-racial.</b></p> <p>10    Q. Bi-racial?</p> <p>11    <b>A. Yeah.</b></p> <p>12    Q. How do you know that?</p> <p>13    <b>A. I met him. I talked to him.</b></p> <p>14    Q. Did he tell you that or did you just</p> <p>15 know by looking at him?</p> <p>16    <b>A. I know by looking at him and I think I</b></p> <p>17 <b>talked to his friend too.</b></p> <p>18    Q. Okay. Did you encourage him to apply?</p> <p>19    <b>A. Well, his friend did. His friend</b></p> <p>20 <b>worked there at the time. Yeah, I took his</b></p> <p>21 <b>resume in.</b></p> <p>22    Q. Do you know how you got a copy of his</p> <p>23 application?</p> <p>24    <b>A. Huh?</b></p>	<p>1 employment at AK Steel?</p> <p>2     <b>A. I don't think I'm the one who referred</b></p> <p>3 <b>him. I talked to him in the in-between period.</b></p> <p>4     Q. What about Harold Pleasant, do you</p> <p>5 know him?</p> <p>6     <b>A. Yeah, he is a tennis player.</b></p> <p>7     Q. Tennis player. What race was he?</p> <p>8     <b>A. He was black.</b></p> <p>9     Q. Okay. So, he passed the test?</p> <p>10    <b>A. Yeah, but he failed the physical.</b></p> <p>11    Q. Do you know what type of job he was</p> <p>12 applying for?</p> <p>13    <b>A. I believe operator.</b></p> <p>14    Q. Okay. Do you know Robert Woodard,</p> <p>15 W-o-o-d-a-r-d?</p> <p>16    <b>A. I can't put a -- I believe I talked to</b></p> <p>17 <b>him on the phone and I believe he is an employee</b></p> <p>18 <b>of the Coke plant.</b></p> <p>19    Q. Okay. Do you know what race he is?</p> <p>20    <b>A. I assume he was black.</b></p> <p>21    Q. Okay.</p> <p>22    <b>A. I didn't -- haven't seen him, but I</b></p> <p>23 <b>was just assuming he was.</b></p> <p>24    Q. Did you refer him for employment at AK</p>

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<p>1 Steel?</p> <p>2 <b>A. I don't know if I did or not.</b></p> <p>3 Q. Okay. Do you know when he was hired?</p> <p>4 <b>A. No.</b></p> <p>5 Q. Do you know a Jason Kenneth Green?</p> <p>6 <b>A. Yes. He is an employee.</b></p> <p>7 Q. At AK Steel?</p> <p>8 <b>A. Yeah.</b></p> <p>9 Q. Do you know what race he is?</p> <p>10 <b>A. Either he is black or he's bi-racial.</b></p> <p>11 Q. Okay. Did you refer him for</p> <p>12 employment at AK Steel?</p> <p>13 <b>A. I don't know if I'm the one initially</b></p> <p>14 <b>that did, but you know I talked to him before he</b></p> <p>15 <b>got hired.</b></p> <p>16 Q. Do you know an Eris, E-r-i-s, Bent?</p> <p>17 <b>A. No, I don't remember him.</b></p> <p>18 Q. Okay.</p> <p>19 <b>A. I probably referred him, but I don't</b></p> <p>20 <b>know what happened there.</b></p> <p>21 Q. You don't know whether he is white or</p> <p>22 black?</p> <p>23 <b>A. I'm assuming he is black.</b></p> <p>24 Q. Okay.</p>	<p>1 <b>A. Yeah, she failed the test.</b></p> <p>2 Q. What about Douglas Williams, who is</p> <p>3 he?</p> <p>4 <b>A. He is a black fellow.</b></p> <p>5 Q. Do you know what happened? Did he</p> <p>6 apply to AK Steel?</p> <p>7 <b>A. I don't know.</b></p> <p>8 Q. You don't know whether he applied or</p> <p>9 not?</p> <p>10 <b>A. No.</b></p> <p>11 Q. Do you know whether he is employed or</p> <p>12 not?</p> <p>13 <b>A. No, he is not employed.</b></p> <p>14 Q. But you don't know whether he applied?</p> <p>15 <b>A. No, I don't know.</b></p> <p>16 Q. Do you know why you have a copy of his</p> <p>17 resume?</p> <p>18 <b>A. Well, we probably turned -- I probably</b></p> <p>19 <b>turned it in, but I don't know if he came to</b></p> <p>20 <b>take the test. I don't recall on that.</b></p> <p>21 Q. Okay. It looks like most of these</p> <p>22 applications, based on -- or resumes, based on</p> <p>23 the dates on them, are in 2002. Was there any</p> <p>24 reason you were collecting these in 2002?</p>
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<p>1 <b>A. But I don't know if he failed the test</b></p> <p>2 <b>or took the test or whatever.</b></p> <p>3 Q. Okay. Do you know a Maurice Carter?</p> <p>4 <b>A. Yes. He came to a job fair, I</b></p> <p>5 <b>believe.</b></p> <p>6 Q. Okay. Do you know what happened with</p> <p>7 his -- did he apply?</p> <p>8 <b>A. Yeah. I think he failed the test.</b></p> <p>9 Q. Do you know what race he is?</p> <p>10 <b>A. He is black.</b></p> <p>11 Q. Do you know if he is related to the</p> <p>12 other Carters that we have talked about today?</p> <p>13 <b>A. I don't know.</b></p> <p>14 Q. Do you know a Sandra Fitch?</p> <p>15 <b>A. Yeah. Yeah.</b></p> <p>16 Q. Who is she?</p> <p>17 <b>A. She is Hispanic.</b></p> <p>18 Q. Do you know whether she's employed by</p> <p>19 AK Steel?</p> <p>20 <b>A. No, she is not.</b></p> <p>21 Q. Do you know -- did she apply?</p> <p>22 <b>A. Yeah.</b></p> <p>23 Q. Do you know what happened to her</p> <p>24 application?</p>	<p>1 <b>A. What now?</b></p> <p>2 Q. Was there any reason you were</p> <p>3 collecting these resumes and applications in</p> <p>4 2002?</p> <p>5 <b>A. I just had them in the file.</b></p> <p>6 <b>I need a break. I need to go feed the</b></p> <p>7 <b>meter.</b></p> <p>8 <b>(A break was taken.)</b></p> <p>9 Q. Mr. Cosby, do you know a Melissa</p> <p>10 Mowery, M-o-w-e-r-y?</p> <p>11 <b>A. Yeah.</b></p> <p>12 Q. And who is she?</p> <p>13 <b>A. She's white.</b></p> <p>14 Q. White?</p> <p>15 <b>A. Yeah.</b></p> <p>16 Q. What do you know about her?</p> <p>17 <b>A. She failed the physical.</b></p> <p>18 Q. She failed the physical?</p> <p>19 <b>A. Yeah.</b></p> <p>20 Q. She was not hired by AK?</p> <p>21 <b>A. No.</b></p> <p>22 Q. Did you refer her to AK?</p> <p>23 <b>A. I don't know if I was the one</b></p> <p>24 <b>initially. I may have been. I don't know. But</b></p>

Page 98	Page 100
<p>1 <b>yeah, I talked to her before. She went through</b>  2 <b>the hiring procedure.</b>  3 Q. What did you talk to her about?  4 <b>A. Just how the place was. I might have</b>  5 <b>give her a practice test.</b>  6 Q. Okay. What about Shawn Jones?  7 <b>A. He is an employee there.</b>  8 Q. Do you know what race he is?  9 <b>A. He is mixed, bi-racial.</b>  10 Q. How do you know he's bi-racial?  11 <b>A. He told me he was.</b>  12 Q. Do you know when he applied?  13 <b>A. No, not exactly.</b>  14 Q. Did you refer him to AK Steel?  15 <b>A. Yeah.</b>  16 Q. Do you know a Danny Johnson?  17 <b>A. Yeah. He's an employee.</b>  18 Q. Do you know what race he is?  19 <b>A. Yeah, he is Hispanic.</b>  20 Q. Hispanic. Did you refer him to AK  21 Steel?  22 <b>A. Yeah.</b>  23 Q. Did he e-mail you his resume?  24 <b>A. Yeah.</b></p>	<p>1 <b>A. No.</b>  2 Q. Do you know what race he is?  3 <b>A. I believe he was black.</b>  4 Q. Do you know whether or not -- sorry.  5 Do you know why he was not hired?  6 <b>A. No.</b>  7 Q. Okay. How did you know him?  8 <b>A. I just met him when I was recruiting,</b>  9 <b>I believe.</b>  10 Q. Okay. Do you know a Bradley Jackson?  11 <b>A. Yes.</b>  12 Q. What do you know about Bradley  13 Jackson?  14 <b>A. He is black.</b>  15 Q. Did he apply at AK Steel?  16 <b>A. Yeah.</b>  17 Q. Do you know whether he was hired?  18 <b>A. He was hired at the Coke plant and was</b>  19 <b>let go. He didn't get his time in.</b>  20 Q. Okay. Did you --  21 MS. DONAHUE: Excuse me? I  22 didn't understand what you said.  23 THE WITNESS: He was hired for  24 the Coke plant, and then before he got his time</p>
Page 99	Page 101
<p>1 Q. Why did he e-mail you his resume?  2 <b>A. Why did he e-mail it?</b>  3 Q. Yes.  4 <b>A. I guess -- I'm pretty busy, so that's</b>  5 <b>about the only way he could get it to me.</b>  6 Q. Had he met you somewhere? Did he know  7 you?  8 <b>A. He probably -- I met him before, but I</b>  9 <b>think he knew about me through a friend.</b>  10 Q. And is your e-mail address  11 Rodney1202@Hotmail?  12 <b>A. Yes.</b>  13 Q. And you said he was hired?  14 <b>A. Yeah.</b>  15 Q. What about a Joseph Vail?  16 <b>A. He was hired also.</b>  17 Q. Do you know what race he is?  18 <b>A. Hispanic.</b>  19 Q. And did you refer him to AK Steel?  20 <b>A. Yes.</b>  21 Q. What about an Oscar Johnson?  22 <b>A. I believe I referred him, but he is</b>  23 <b>not an employee.</b>  24 Q. Was he ever an employee?</p>	<p>1 in he was let go.  2 Q. And do you know why he was let go?  3 <b>A. Just rumors.</b>  4 Q. Have you talked to him since he was  5 let go?  6 <b>A. I don't think so, no.</b>  7 Q. Do you know, is he related to Kay  8 Jackson or Tiffany Jackson?  9 <b>A. No, he is not.</b>  10 Q. Okay. Do you know a Joseph Pearson?  11 <b>A. Yeah.</b>  12 Q. What do you know about Mr. Pearson?  13 <b>A. Well, he is not an employee.</b>  14 Q. Did he apply to become an employee?  15 <b>A. Yes.</b>  16 Q. Did you refer him to AK Steel?  17 <b>A. Yes.</b>  18 Q. Do you know why he was not hired?  19 <b>A. No.</b>  20 Q. What race is he?  21 <b>A. He is black.</b>  22 Q. What about Curtis Rollins?  23 <b>A. Yeah.</b>  24 Q. Do you know him?</p>

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<p>1     <b>A. Yeah.</b></p> <p>2     Q. What race is he?</p> <p>3     <b>A. He is black.</b></p> <p>4     Q. Do you know whether he applied to</p> <p>5 become an employee?</p> <p>6     <b>A. Yeah.</b></p> <p>7     Q. Do you know whether he was an</p> <p>8 employee?</p> <p>9     <b>A. No, he is not an employee.</b></p> <p>10    Q. Was he ever an employee?</p> <p>11    <b>A. No.</b></p> <p>12    Q. Do you know why he was not hired?</p> <p>13    <b>A. No.</b></p> <p>14    Q. Do you know a Terrance Campbell?</p> <p>15    <b>A. Yeah.</b></p> <p>16    Q. What race is he?</p> <p>17    <b>A. He is black.</b></p> <p>18    Q. Do you know whether he ever became an</p> <p>19 AK employee?</p> <p>20    <b>A. He became an AK employee at the Coke</b></p> <p>21 <b>plant.</b></p> <p>22    Q. Did you refer him for hire?</p> <p>23    <b>A. Yeah.</b></p> <p>24    Q. What about Ginger Neace, N-e-a-c-e?</p>	<p>1 minorities that you can get resumes to Susan?</p> <p>2     <b>A. You mean on the outside?</b></p> <p>3     Q. Outside or inside.</p> <p>4     <b>A. Well, maybe inside, but I don't know</b></p> <p>5 <b>about the outside.</b></p> <p>6     Q. How often do you go out recruiting?</p> <p>7     <b>A. Oh, about once every six months.</b></p> <p>8     Q. Okay. And you go out to all of the</p> <p>9 minority areas that you're aware of?</p> <p>10    <b>A. No, just what I can do.</b></p> <p>11    Q. Okay. Who is Susan Taylor?</p> <p>12    <b>A. She is a black lady. I think she has</b></p> <p>13 <b>already taken the test and already went through</b></p> <p>14 <b>everything. She's just sitting there, I think,</b></p> <p>15 <b>waiting possibly to get hired.</b></p> <p>16    Q. Okay. She hasn't been hired yet --</p> <p>17    <b>A. No.</b></p> <p>18    Q. (Continuing) -- but she hasn't been</p> <p>19 disqualified?</p> <p>20    <b>A. As far as I know, she hasn't been</b></p> <p>21 <b>eliminated either.</b></p> <p>22    Q. What race did you say she was?</p> <p>23    <b>A. She is black.</b></p> <p>24    Q. Did you refer her?</p>
Page 103	Page 105
<p>1     <b>A. I believe I talked to her on the</b></p> <p>2 <b>telephone. I think she is white. She's not an</b></p> <p>3 <b>employee?</b></p> <p>4     Q. Do you know why she's not an employee?</p> <p>5     <b>A. I don't know if she took the test or</b></p> <p>6 <b>not.</b></p> <p>7     Q. Did you refer her for employment?</p> <p>8     <b>A. Yeah.</b></p> <p>9     Q. How did you get her name?</p> <p>10    <b>A. From a fellow that I worked with.</b></p> <p>11    Q. Why did he give you her name?</p> <p>12    <b>A. Huh?</b></p> <p>13    Q. Why did he give you her name?</p> <p>14    <b>A. I don't know. I guess he figured she</b></p> <p>15 <b>was the type of minority.</b></p> <p>16    Q. Okay.</p> <p>17    <b>A. And that, you know, I could give a</b></p> <p>18 <b>resume to Susan and she would take a look at it</b></p> <p>19 <b>instead of just dropping it at the plot house</b></p> <p>20 <b>(Phonetic).</b></p> <p>21    Q. Is it fairly well known that you are a</p> <p>22 person that you can get resumes to?</p> <p>23    <b>A. Huh?</b></p> <p>24    Q. Is it fairly well known among the</p>	<p>1     <b>A. Yeah.</b></p> <p>2     Q. But you said your recruitment efforts</p> <p>3 are fairly successful?</p> <p>4     <b>A. No.</b></p> <p>5     Q. No?</p> <p>6     <b>A. No, they are not, no.</b></p> <p>7     Q. Not a good recruiter?</p> <p>8     <b>A. Huh? No, I need more time.</b></p> <p>9     Q. You need more time to do it?</p> <p>10    <b>A. Yes.</b></p> <p>11    Q. Do you get paid to do that?</p> <p>12    <b>A. No.</b></p> <p>13    Q. No?</p> <p>14    <b>A. Sometimes the union pays me, sometimes</b></p> <p>15 <b>they don't.</b></p> <p>16    Q. Do you get paid to do the training for</p> <p>17 AK steel?</p> <p>18    <b>A. Yeah.</b></p> <p>19    Q. Who is Stacy Prinlge, P-r-i-n-l-g-e?</p> <p>20    <b>A. She's a black lady. I think she made</b></p> <p>21 <b>it to the physical. That's as far as she made</b></p> <p>22 <b>it, was to the physical.</b></p> <p>23    Q. So, she passed the test?</p> <p>24    <b>A. Yeah.</b></p>

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<p>1 Q. Do you know why she wasn't hired?</p> <p>2 <b>A. Well, on her physical, she didn't get</b></p> <p>3 <b>past the hospital.</b></p> <p>4 Q. Do you know a Zyran, Z-y-r-a-n, Scott?</p> <p>5 <b>A. Yeah.</b></p> <p>6 Q. Who is he?</p> <p>7 <b>A. He's a black fellow.</b></p> <p>8 Q. Did you refer him to AK Steel?</p> <p>9 <b>A. Yeah.</b></p> <p>10 Q. Do you know whether he was hired?</p> <p>11 <b>A. He wasn't hired.</b></p> <p>12 Q. Do you know why he wasn't hired?</p> <p>13 <b>A. No.</b></p> <p>14 Q. What about Tammy Jesse?</p> <p>15 <b>A. Okay. That was Tammy Woodberry, the</b></p> <p>16 <b>one before.</b></p> <p>17 Q. The one we talked about already?</p> <p>18 <b>A. Yeah. She's hired.</b></p> <p>19 Q. What about Sheldon Spence?</p> <p>20 <b>A. Yeah, he is an employee.</b></p> <p>21 Q. What race is he?</p> <p>22 <b>A. He is black.</b></p> <p>23 Q. Did you refer him for hire?</p> <p>24 <b>A. Yeah.</b></p>	<p>1 <b>A. Yeah.</b></p> <p>2 Q. Do you know whether or not he was</p> <p>3 hired?</p> <p>4 <b>A. No, he wasn't hired.</b></p> <p>5 Q. Do you know why he wasn't hired?</p> <p>6 <b>A. I don't think he got back with Susan</b></p> <p>7 <b>to take the test.</b></p> <p>8 Q. You don't think he ever took the test?</p> <p>9 <b>A. Well, no, he didn't. He didn't call</b></p> <p>10 <b>her back or -- as far as I know.</b></p> <p>11 Q. What about Scott Alexander Czeskleba,</p> <p>12 C-z-e-s-k-l-e-b-a?</p> <p>13 <b>A. Yeah, he is Russian.</b></p> <p>14 Q. He's Russian?</p> <p>15 <b>A. Yeah.</b></p> <p>16 Q. Did you refer him for hire to AK</p> <p>17 Steel?</p> <p>18 <b>A. Yeah.</b></p> <p>19 Q. Do you know whether he was hired?</p> <p>20 <b>A. No, he wasn't.</b></p> <p>21 Q. Do you know why he wasn't?</p> <p>22 <b>A. I don't think she was giving the test</b></p> <p>23 <b>at the time when I turned that in.</b></p> <p>24 Q. So, they weren't hiring -- AK wasn't</p>
Page 107	Page 109
<p>1 Q. What about Ryan Fletcher?</p> <p>2 <b>A. Yes, he is black. He is an employee.</b></p> <p>3 Q. Did you refer him for hire?</p> <p>4 <b>A. Yeah.</b></p> <p>5 Q. I have one that says Michelle on it.</p> <p>6 Do you have any idea who that is?</p> <p>7 <b>A. Yeah. She is white. She is an</b></p> <p>8 <b>employee.</b></p> <p>9 Q. Who is she?</p> <p>10 <b>A. Michelle Wright is her name. Her name</b></p> <p>11 <b>-- I just wrote that down as her name because</b></p> <p>12 <b>she had a resume that didn't have her name on</b></p> <p>13 <b>it.</b></p> <p>14 Q. And you referred her to AK Steel?</p> <p>15 <b>A. Yeah.</b></p> <p>16 Q. And she was hired?</p> <p>17 <b>A. Yeah.</b></p> <p>18 Q. What about Carl Jordan?</p> <p>19 <b>A. Uh-huh.</b></p> <p>20 Q. Who is he?</p> <p>21 <b>A. He is black.</b></p> <p>22 Q. Black?</p> <p>23 <b>A. Yeah.</b></p> <p>24 Q. Did you refer him to AK Steel?</p>	<p>1 hiring at the time?</p> <p>2 <b>A. Yeah, I believe that's what it was,</b></p> <p>3 <b>yeah.</b></p> <p>4 Q. What about a Derique, D-e-r-i-q-u-e,</p> <p>5 Bacon?</p> <p>6 <b>A. I think he is -- yeah, he is black.</b></p> <p>7 <b>And I believe his status is he is waiting for to</b></p> <p>8 <b>take the test.</b></p> <p>9 Q. He is waiting to take the test?</p> <p>10 <b>A. Yeah. Yeah.</b></p> <p>11 Q. What about Robert Jones?</p> <p>12 <b>A. I believe he is still in the same</b></p> <p>13 <b>stature, he is just waiting.</b></p> <p>14 Q. Waiting?</p> <p>15 <b>A. Waiting to take the test.</b></p> <p>16 Q. AK is not hiring currently?</p> <p>17 <b>A. Right. Right. Yeah.</b></p> <p>18 Q. Did you refer Mr. Jones to AK Steel?</p> <p>19 <b>A. Yeah.</b></p> <p>20 Q. What about Christopher Clark?</p> <p>21 <b>A. Same thing.</b></p> <p>22 Q. Waiting?</p> <p>23 <b>A. These are current. These are just</b></p> <p>24 <b>sitting there right now.</b></p>



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<p>1 Q. What race is Mr. Clark?</p> <p>2 <b>A. He is black. I believe Jones -- you</b></p> <p>3 <b>didn't ask me, but I believe he's bi-racial,</b></p> <p>4 <b>Jones is.</b></p> <p>5 Q. You referred Mr. Clark to AK Steel?</p> <p>6 <b>A. Yeah.</b></p> <p>7 Q. And these individuals, have they taken</p> <p>8 the test yet, do you know?</p> <p>9 <b>A. They haven't taken the test.</b></p> <p>10 Q. Have not?</p> <p>11 <b>A. Have not, no.</b></p> <p>12 Q. What about Obadya Williams?</p> <p>13 <b>A. The same thing. He is black. He's</b></p> <p>14 <b>still sitting there.</b></p> <p>15 Q. He has not taken the test yet?</p> <p>16 <b>A. No.</b></p> <p>17 Q. What about Tyrin, T-y-r-i-n, Holmes?</p> <p>18 <b>A. I need to look at that one.</b></p> <p>19 THE WITNESS: Is that okay?</p> <p>20 MS. DONAHUE: Yeah. I think we</p> <p>21 are clear of what we are doing.</p> <p>22 THE WITNESS: I can't recall</p> <p>23 him.</p> <p>24 Q. You don't recall him?</p>	<p>1 work?</p> <p>2 <b>A. Yeah. Yeah.</b></p> <p>3 Q. What race was he?</p> <p>4 <b>A. He was mixed.</b></p> <p>5 Q. Mixed?</p> <p>6 <b>A. Yeah.</b></p> <p>7 Q. How do you know that?</p> <p>8 <b>A. I sat and talked to him.</b></p> <p>9 Q. He told you that?</p> <p>10 <b>A. Well, I could tell.</b></p> <p>11 Q. How can you tell?</p> <p>12 <b>A. Well, I just can.</b></p> <p>13 Q. Okay. And Melinda K. Johnson, who is</p> <p>14 that? Do you need to see this?</p> <p>15 <b>A. Yeah, I need to see it.</b></p> <p>16 Q. That's a three-page resume.</p> <p>17 <b>A. Okay. This was a lady who she didn't</b></p> <p>18 <b>pass the physical at that time, but she had to</b></p> <p>19 <b>have surgery done to her eye.</b></p> <p>20 Q. Okay.</p> <p>21 <b>A. For her sight.</b></p> <p>22 Q. What race is she?</p> <p>23 <b>A. She is black.</b></p> <p>24 Q. Did you refer her to AK?</p>
Page 111	Page 113
<p>1 <b>A. No.</b></p> <p>2 Q. Okay. What about Renee Dederick?</p> <p>3 <b>A. Yes. We met her at a job fair. She</b></p> <p>4 <b>lives in Florida. So, I don't know if she is</b></p> <p>5 <b>going to relocate this way or not.</b></p> <p>6 Q. Okay. What race is she?</p> <p>7 <b>A. She is black.</b></p> <p>8 Q. You met her at a job fair?</p> <p>9 <b>A. Yeah.</b></p> <p>10 Q. Up here?</p> <p>11 <b>A. Yeah.</b></p> <p>12 Q. She has not applied, to your</p> <p>13 knowledge?</p> <p>14 <b>A. Well, I just handed her -- her resume</b></p> <p>15 <b>is sitting. So, it's during the time that there</b></p> <p>16 <b>is no test and I don't know if she's going to</b></p> <p>17 <b>relocate or not.</b></p> <p>18 Q. Okay. What about Charles Thomas?</p> <p>19 <b>A. Okay. I believe that -- well, there</b></p> <p>20 <b>was two Charles Thomases and I think that -- the</b></p> <p>21 <b>one claimed to be the good one. I believe he</b></p> <p>22 <b>got another job somewhere. I think he did test</b></p> <p>23 <b>and pass, I think he did, yeah.</b></p> <p>24 Q. But he chose to go somewhere else to</p>	<p>1 <b>A. Yeah.</b></p> <p>2 Q. Did she pass the test?</p> <p>3 <b>A. Yes.</b></p> <p>4 Q. What about a Lee Mosley?</p> <p>5 <b>A. I can't recall.</b></p> <p>6 Q. You don't recall Mr. Mosley?</p> <p>7 <b>A. No.</b></p> <p>8 Q. Okay. What about Monique Brown?</p> <p>9 <b>A. I think she told me that she may --</b></p> <p>10 <b>she didn't get past the interview, I think is</b></p> <p>11 <b>what she told me.</b></p> <p>12 Q. She applied?</p> <p>13 <b>A. Yeah.</b></p> <p>14 Q. Do you know what race she is?</p> <p>15 <b>A. She is black.</b></p> <p>16 Q. Did she pass the test?</p> <p>17 <b>A. Yeah.</b></p> <p>18 Q. What about a Randolph Pleasant?</p> <p>19 <b>A. Yes, he failed the test.</b></p> <p>20 Q. Okay. Do you know when he applied?</p> <p>21 <b>A. Not exactly.</b></p> <p>22 Q. Do you know what race he is?</p> <p>23 <b>A. Black.</b></p> <p>24 Q. What about Kenneth Collins?</p>

<p style="text-align: right;">Page 114</p> <p>1     <b>A. Yes, he failed the test.</b></p> <p>2     Q. And when you tell me that someone has</p> <p>3 failed the test, is that because an individual</p> <p>4 has told you that?</p> <p>5     <b>A. Yeah.</b></p> <p>6     Q. And what race is Mr. Collins?</p> <p>7     <b>A. He is black.</b></p> <p>8     Q. Do you know when he took the test?</p> <p>9     <b>A. No.</b></p> <p>10    Q. What about Christy McConnell?</p> <p>11    <b>A. Yes. She is black. She is one of my</b></p> <p>12 <b>neighbors. She failed the test.</b></p> <p>13    Q. One of your neighbors?</p> <p>14    <b>A. Yeah.</b></p> <p>15    Q. Do you know when she applied?</p> <p>16    <b>A. No.</b></p> <p>17    Q. Did you refer her to AK?</p> <p>18    <b>A. Yeah.</b></p> <p>19    Q. Inga Caudill, C-a-u-d-i-l-l?</p> <p>20    <b>A. Yeah, she's sitting.</b></p> <p>21    Q. She's what?</p> <p>22    <b>A. Sitting, waiting to take the test.</b></p> <p>23    Q. Okay. What race is she?</p> <p>24    <b>A. She's mixed.</b></p>	<p style="text-align: right;">Page 116</p> <p>1           EXAMINATION</p> <p>2 BY MS. DONAHUE:</p> <p>3     Q. You testified earlier that you are on</p> <p>4 the civil rights committee, which is a joint</p> <p>5 committee between the union and the management</p> <p>6 of AK Steel?</p> <p>7     <b>A. Uh-huh.</b></p> <p>8     Q. Do you feel that that committee is</p> <p>9 defective in meeting its goals of recruiting</p> <p>10 minorities?</p> <p>11    <b>A. Well, it's not really effective as it</b></p> <p>12 <b>should be because really I don't have enough</b></p> <p>13 <b>time. There is a lot of people in this area.</b></p> <p>14 <b>We've got a Hispanic population. You've got</b></p> <p>15 <b>refugees from New Orleans. We have people that</b></p> <p>16 <b>don't take papers and don't listen to the right</b></p> <p>17 <b>radio stations, basically, where there is</b></p> <p>18 <b>advertisement. And I could get to some of these</b></p> <p>19 <b>people if I had more time.</b></p> <p>20    Also, there are -- I got some good</p> <p>21 ideas where, you know, AK, our company, to keep</p> <p>22 from getting lawsuits. It seems like when you</p> <p>23 do go there, you fail the test or whatever and</p> <p>24 then you are kind of just threw to the wolves.</p>
<p style="text-align: right;">Page 115</p> <p>1     Q. And did she tell you she is mixed or</p> <p>2 do you just know?</p> <p>3     <b>A. Well, she's my daughter and I know she</b></p> <p>4 <b>is.</b></p> <p>5     Q. What race are you, Mr. Cosby?</p> <p>6     <b>A. I'm black.</b></p> <p>7     Q. Are you married?</p> <p>8     <b>A. Yeah.</b></p> <p>9     Q. Is your wife white then?</p> <p>10    <b>A. Yeah.</b></p> <p>11    Q. And Inga is your daughter?</p> <p>12    <b>A. Yeah.</b></p> <p>13    Q. Why does she have a different last</p> <p>14 name? Is she married?</p> <p>15    <b>A. Yeah, she's married.</b></p> <p>16           MS. PRYOR: Let's take a quick</p> <p>17 break and we're actually about done.</p> <p>18           (A break was taken.)</p> <p>19           MS. PRYOR: I don't think I have</p> <p>20 any further questions, Mr. Cosby. Thank you.</p> <p>21           THE WITNESS: Okay.</p> <p>22           MS. DONAHUE: I just have a</p> <p>23 couple of questions.</p> <p>24           THE WITNESS: Okay.</p>	<p style="text-align: right;">Page 117</p> <p>1 And you know, if I had more time, I could even</p> <p>2 refer them to -- I do know people from different</p> <p>3 unions, different plants and everything in the</p> <p>4 area. I could refer them to somewhere else. I</p> <p>5 do know the people at the unemployment office</p> <p>6 and I do have manpower. So, I mean I could</p> <p>7 refer people somewhere else after they don't</p> <p>8 qualify for AK Steel so they wouldn't have a</p> <p>9 sour taste in their mouth.</p> <p>10    And also, it seems like the union</p> <p>11 probably is at fault with this too, but they</p> <p>12 need to just put more money in the civil rights,</p> <p>13 in the minority, because it seems like when they</p> <p>14 need a supervisor or an engineer, they'll spend</p> <p>15 money to go find one, but basically if it's a</p> <p>16 minority female, then it is just whatever. So,</p> <p>17 there is -- I'm saying there is still --</p> <p>18 probably somewhere down the road there probably</p> <p>19 are more lawsuits if it stays like this.</p> <p>20    And also, I talked to -- when I did</p> <p>21 have a little conversation with Allen and also</p> <p>22 the guy from Butler, what's his -- the same</p> <p>23 problem there was here.</p> <p>24    Q. Okay.</p>

<p style="text-align: right;">Page 118</p> <p>1     <b>A. That's all I have to say.</b></p> <p>2     Q. All right.</p> <p>3             MS. DONAHUE: That's all we</p> <p>4 have.</p> <p>5             MS. PRYOR: And just to follow</p> <p>6 up.</p> <p>7             EXAMINATION</p> <p>8 BY MS. PRYOR:</p> <p>9     Q. You mentioned you talked to Allen, the</p> <p>10 guy from Butler, and you said the same problem</p> <p>11 was there. Have you remembered any more about</p> <p>12 those conversations with those individuals?</p> <p>13     <b>A. Well, I just remember reading his '99</b></p> <p>14 <b>lawsuit, and it mentioned -- I believe -- and I</b></p> <p>15 <b>don't mean -- I might not be -- I remember it</b></p> <p>16 <b>mentioned that so many people hired, about 700,</b></p> <p>17 <b>no minority females.</b></p> <p>18     Q. Anything else you remember about those</p> <p>19 conversations?</p> <p>20     <b>A. Well, it was the suit that he -- his</b></p> <p>21 <b>'99 suit, somehow I got a hold of it.</b></p> <p>22     Q. Do you know how you got a hold of</p> <p>23 them?</p> <p>24     <b>A. That came from him, because it was him</b></p>	<p style="text-align: right;">Page 120</p> <p>1     Q. And it's my understanding that the job</p> <p>2 is not to deal with recruitment and hiring?</p> <p>3     <b>A. Well, we do have a booklet from the</b></p> <p>4 <b>union. And yeah, I mean on their perspective</b></p> <p>5 <b>you do.</b></p> <p>6     Q. The union's perspective?</p> <p>7     <b>A. Yeah. Yeah.</b></p> <p>8     Q. Is that part of the contract --</p> <p>9     <b>A. Yeah.</b></p> <p>10     Q. (Continuing) -- with the company?</p> <p>11     <b>A. Well, I mean the booklet --</b></p> <p>12             MS. DONAHUE: You're just kind</p> <p>13 of talking over each other and it's a little</p> <p>14 hard to get down.</p> <p>15             THE WITNESS: All right. Is</p> <p>16 that part of the contract?</p> <p>17     Q. Is the booklet a union-provided</p> <p>18 document or a company document?</p> <p>19     <b>A. Well, the one I have is a union-</b></p> <p>20 <b>provided document.</b></p> <p>21     Q. Is there anything from the company</p> <p>22 that refers the civil rights committee as</p> <p>23 involved in the hiring or recruitment?</p> <p>24     <b>A. In the contract?</b></p>
<p style="text-align: right;">Page 119</p> <p>1 <b>in the lawsuit.</b></p> <p>2     Q. Did he ever provide you with any other</p> <p>3 documents?</p> <p>4     <b>A. That's the only one I know.</b></p> <p>5     Q. Do you still have a copy of that?</p> <p>6     <b>A. I may have. I would have to look for</b></p> <p>7 <b>it.</b></p> <p>8     Q. Did you look for it in response for</p> <p>9 the subpoena today?</p> <p>10     <b>A. Yeah, I looked for it and I couldn't</b></p> <p>11 <b>find it. Well, I mean I have probably twice as</b></p> <p>12 <b>many of them resumes or twice as many people</b></p> <p>13 <b>that I have referred. Of course, you know, I</b></p> <p>14 <b>don't have them -- I mean, you know, really if</b></p> <p>15 <b>I'm on this job right, I need to have a laptop</b></p> <p>16 <b>and put everything on file and back it up to CD.</b></p> <p>17 <b>But I'm just working out of folders and just</b></p> <p>18 <b>whenever I can.</b></p> <p>19     Q. My understanding is the civil rights</p> <p>20 committee is a joint union --</p> <p>21     <b>A. Uh-huh.</b></p> <p>22     Q. (Continuing) -- and employer</p> <p>23 committee?</p> <p>24     <b>A. Yeah.</b></p>	<p style="text-align: right;">Page 121</p> <p>1     Q. In the contract or whatever forms that</p> <p>2 committee.</p> <p>3     <b>A. Yeah, I believe there is.</b></p> <p>4     Q. Okay. And --</p> <p>5     <b>A. I think there was some different</b></p> <p>6 <b>language put in this last one.</b></p> <p>7     Q. And the things that were discussed</p> <p>8 would have been in the minutes that you produced</p> <p>9 today, correct?</p> <p>10     <b>A. Yeah, some of the things I said should</b></p> <p>11 <b>be in the minutes, yeah.</b></p> <p>12     Q. Okay. Who was in charge of keeping</p> <p>13 the minutes? Was that you or --</p> <p>14     <b>A. Well, I usually have a secretary or</b></p> <p>15 <b>someone working with me there that usually takes</b></p> <p>16 <b>the minutes.</b></p> <p>17     Q. Someone that you are affiliated with,</p> <p>18 not the company?</p> <p>19     <b>A. Yeah. Yeah. But we read the minutes</b></p> <p>20 <b>at the next meetings and they okay them.</b></p> <p>21     Q. Do you provide a copy of those minutes</p> <p>22 to the company?</p> <p>23     <b>A. Well, if they want them.</b></p> <p>24     Q. Okay.</p>

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1       **A. And sometimes they take minutes**  
2 **themselves.**

3               MS. PRYOR: That's all I have.

4               MS. DONAHUE: That's all we  
5 have.

6               (Concluded at 12:22 p.m.)

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Page 123

1               UNITED STATES DISTRICT COURT  
2               FOR THE SOUTHERN DISTRICT OF OHIO  
3               FOR THE WESTERN DIVISION  
4               CIVIL ACTION NO. 1:02CV00467

5  
6 VIVIAN BERT, et al,  
7       Plaintiffs,  
8       -vs-  
9 AK STEEL CORPORATION,  
10       Defendant.

11  
12               Certification of Court Reporter  
13       I, Tara A. B. Arthur, Court Reporter/Notary  
14 Public, within and for the Commonwealth of  
15 Kentucky, at Large, do hereby certify that the  
16 foregoing transcript consisting of 122 pages is  
17 a true and correct transcript of the proceedings  
18 had in this matter, as hereinabove set forth,  
19 and that I have no interest of any nature  
20 whatsoever in the ultimate disposition of this  
21 litigation.

22  
23               \_\_\_\_\_  
24       TARA A. B. ARTHUR  
             STENOTYPE REPORTER/NOTARY PUBLIC